

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.494 of 2015

Arising Out of PS.Case No. -31 Year- 2009 Thana -SAHPUR District- PATNA

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1. Puri Rai S/o Mahesh Rai R/o village - Madhopur, P.S. Shahpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Sharekh Rai S/o Netram Rai resident of Madhopur, P.S. Shahpur, District
– Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-08-2015

By filing the present application under section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 09.12.2014 passed by the learned Additional Sessions Judge-VII, Danapur (Patna) in Sessions Trial No. 1119 of 2012 arising out of Shahpur P.S.Case No. 31 of 2009 registered under Sections 144, 447, 323, 325, 354, 379, 307, 504 read with 34 of the Indian Penal Code and 27 of the Arms Act. By the aforesaid order dated 09.12.2014 the application filed by the petitioner under Section 227 of the Code of Criminal Procedure seeking discharge from the case was rejected by the court below.

The petitioner is named in the FIR. The allegations made in the FIR do attract the ingredients of the offences alleged. In

course of investigation, the allegations made against the petitioner were found to be true and accordingly on completion of investigation the petitioner was sent up for trial. The learned Magistrate took cognizance of the offence and committed the case to the court of Sessions for trial.

After hearing the parties, the court below held that from perusal of the case diary specifically paragraphs 18, 20, 21, 34, 42, 43 and 44 it would be evident that the witnesses have fully supported the alleged occurrence and the allegations made against the petitioner in their statements recorded under Section 161 of the Code of Criminal Procedure. The injury report also suggests that the informant had sustained injuries on his neck and other parts of the body.

It has been contended that while passing the impugned order the court below has failed to appreciate the evidence on record. According to the learned counsel for the petitioner, the ingredients of the offence under Section 307 of the Indian Penal Code and Section 27 of the Arms Act would not be attracted in view of the statements made by certain witnesses in course of investigation.

In my view, the application lacks merit. It is well settled that at the stage of passing the order in terms of section 227 of the Code of Criminal Procedure, the court has merely to peruse the evidence on record to find out whether or not there is sufficient

ground to proceed against the accused. At this stage, the court is not required to enter into meticulous consideration of evidence and other materials placed on record.

Regard being had to the facts and circumstances of the case, I find no merit in the application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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