

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47421 of 2012

Arising Out of PS.Case No. -72 Year- 1982 Thana -null District- PATNA

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Manu Singh @ Muni Kishore Singh, son of Late Rama Prasad Singh, resident of village Naya Panapur, P.S. Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Brahma Singh, son of Late Rameshwar Singh, resident of village Naya Panapur, P.S. Danapur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-04-2015

This application under section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.09.1982 passed by the learned Sub Divisional Judicial Magistrate, Danapur in Danapur P.S.Case No. 72 of 1982, by which the learned Magistrate has taken cognizance of the offences punishable under sections 147, 148, 149, 307 and 324 of the Indian Penal Code as well as section 27 of the Arms Act.

The petitioner is one of the miscreants named in the First Information Report. There is allegation that he along with others opened fire upon the informant of the case. The case was found to be true in course of investigation and accordingly the police submitted charge sheet in the court of learned Sub Divisional Judicial

Magistrate, Danapur, pursuant to which cognizance was taken on 7th September, 1982 and the accused persons were summoned to face trial. Subsequently, the case was committed to the court of Sessions in 1982 itself.

It would appear from the record that the petitioner evaded to appear before the court for sufficiently long time and thereafter he filed an application sometimes in 2002 in the court of learned 1st Additional Sessions Judge, Danapur in which a prayer was made to direct the police to verify the plea of alibi of the petitioner.

The petitioner is admittedly an absconder in this case. He has failed to appear before the court for over three decades on one pretext or other. The material collected in course of investigation and the F.I.R. in question do make out a prima facie case under the provisions of Penal Code under which the F.I.R. was instituted and police report was submitted.

In my view, the application is devoid of any merit. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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