

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45278 of 2012

- =====
1. Dharmendra Prasad, Son of Late Chandeshwar Prasad.
 2. Vijendra Prasad, Son of Late Chandeshwar Prasad.
 3. Sunita Devi @ Kumari Pankaj Sinha, Wife of Vijendra Prasad.
 4. Soni Kumar, Son of Dharmendra Prasad.
- All are resident of village Gajendra Bigha, P.S. Hilsa, District Nalanda.
.... .. Petitioners

Versus

1. The State of Bihar.
 2. Rajnikant, Son of Late Brahmdeo Prasad, Resident of Village Gajendra Bigha, P.S. Hilsa, District Nalanda.
- Opposite Parties
- =====

Appearance :

For the Petitioners : Shri Birendra Kumar, Advocate
For the State : Shri Zainul Abedin, APP

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 14-05-2015

Heard.

Order of framing charge, firstly ought not to have been questioned under the inherent powers of the Court under Section 482 Cr.P.C. because the Court lacks jurisdiction patently to issue direction for holding further enquiry. That direction could be issued in the light of the provisions of Section 397 read with Section 398 Cr.P.C. only while exercising the powers of revision. Besides this patent defect in maintaining the present petition, I have still considered the facts of the case and while hearing the learned senior counsel appearing for the petitioner what I could gather was that he was attempting to seek the quashing of the order dated 13.08.2012

passed in G.R. No. 159 of 2003 by the learned Judicial Magistrate, 1st Class, Hilsa, Nalanda on the ground that there was a civil dispute. No provisions in the Code of Criminal Procedure under any chapter concerning the trial of criminal cases permits of considering prospective defence so as to discharging the accused.

Petition lacks merit and the same is dismissed.

(Dharnidhar Jha, J.)

Sanjay/-

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