

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27154 of 2012

Arising Out of PS.Case No. -431 Year- 2010 Thana -null District- PURNIA

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SURENDRA PRASAD YADAV LATE BADRI YADAV VILL MAHA. NEW
SIPAHI TOLA MARANGA PS K.HAT PURNEA

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. DINESH YADAV, S/O LATE DUKAI YADAV, RESIDENT OF VILLAGE-
NEW SIPAHI TOLA, MARANGA, P.S.-K. HAT, DISTRICT- PATNA.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 20-02-2015

Heard learned counsel for the petitioner and the learned
A.P.P. appearing for the State.

This application has been filed, under Section 482 of
the Code of Criminal Procedure, for quashing the order dated
24.02.2011 passed by the learned Chief Judicial Magistrate, Purnea,
whereunder the learned Chief Judicial Magistrate, Purnea, took the
cognizance of the offence under Sections 341, 323, 325 and 504/34 of
the Indian Penal Code.

At the time of taking cognizance of the offence, the
court is not required to consider the defence of the accused. The court
is only required to see the materials available in the case diary

whether the offence is made out or not. As such, I find no illegality in the impugned order amounting to abuse of the process of the court. Accordingly, this application stands dismissed.

(Rajendra Kumar Mishra, J)

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