

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.428 of 2015

Arising Out of PS.Case No. -587 Year- 2007 Thana -BHAGALPUR KOTWALI District- BHAGALPUR

Nandesh Kumar, son of Sri Nagesh Prasad, resident of Mohalla - Kidwaipuri,
P.N.T. Colony, P.S. -Budha Colony, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Dr. Ravindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-08-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

By way of filing the present application under Section
482 of the Code of Criminal Procedure, the petitioner seeks
quashing of the order dated 19.08.2014 passed by the learned
Judicial Magistrate-1st Class, Bhagalpur in G.R. No. 2577 of 2007
arising out of Kotwali (Barari) P.S. Case No. 587/07 dated
01.10.2007 whereby and whereunder the court below has refused the
prayer of the petitioner for discharge made under Section 239 of the
Code of Criminal Procedure.



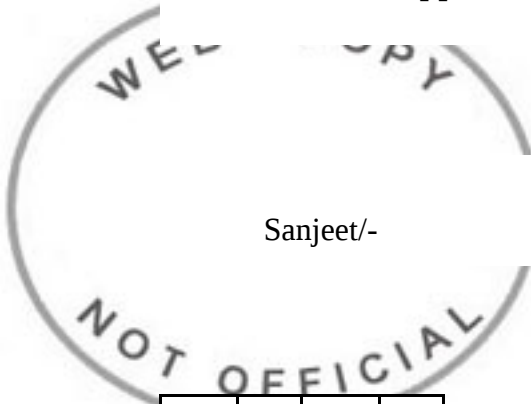
It is contended that the petitioner is absolutely innocent and he has been falsely implicated in the case. The materials collected during course of investigation has not been properly appreciated by the learned Magistrate while passing the impugned order dated 19.08.2014 and in view of the materials collected in course of investigation, the trial of the petitioner would be an abuse of process of the court.

On the other hand, learned counsel for the State has opposed the prayer made by the petitioner. He submits that the learned Magistrate has given clear, cogent and convincing reasons for rejecting the application filed on behalf of the petitioner under Section 239 of the Code of Criminal Procedure.

Having heard the parties and perused the record, I find that the learned Magistrate has passed a detailed order after considering the materials available on record and he has come to a conclusion that there is sufficient ground for proceeding against the petitioner.

I find no error in the order impugned. It is well settled that at the stage of framing of charge, probative value of the materials on record cannot be looked into. At this stage, the prosecution is not required to establish its case beyond reasonable doubts and, even meticulous examination of evidence is not done.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.



Sanjeet/-

(Ashwani Kumar Singh, J.)

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