

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25193 of 2012

Arising Out of Complaint Case No. -1013C Year- 2010 Thana – Muffasil District- KHAGARIA

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Birju Kumar, S/O Sri Baddhu Sah, Resident Of Village Betban Bazar, P.S. Kasim Bazar, District Munger At Present Resident of Ramganj, P.S. Muffasil (Khagaria), District Khagaria.

.... Petitioner

Versus

1. State of Bihar.
2. Pradeep Kumar Jain Jhawara @ Pappu Kumar, S/O Unknown Owner of Chanda Rollar Flour Mills Private Limited Kodarma, P.O. Jhumri Tilaiya, P.S. Tilaiya, District Kodarma (Jharkhand).

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-03-2015

The Petitioner, who is the complainant seeks quashing of the order of cognizance dated 09.05.2012 passed by the Sessions Judge, Khagaria in Cr. Revision No. 49 of 2011 by which the Sessions Judge confirmed the order dated 11.05.2011 by which the Judicial Magistrate 1st Class, Khagaria has taken cognizance only under Section 419 Cr.P.C. in Complaint Case No. 1013C of 2010.

The grievance of the petitioner is that in the facts of the case an offence punishable under Sections 400 and 406 of the Indian Penal Code is also made out but the cognizance has not been taken under

the said Sections.

Considering that the cognizance is taken of the case as a whole but not of a particular offence which is best determined at the stage of charge, I am not inclined to interfere in the matter.

The application stands dismissed.

(Anjana Prakash, J.)

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