

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18915 of 2013

Arising out of P.S. Case No. -279 Year- 2011 Thana -BEGUSARAI
MUFFASIL District- BEGUSARAI

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1. Randhir Kumar Jha @ Raman Jha Amar Shankar Jha Maharathpur, P.S. Begusarai Mufassil, Distt. Begusarai.
 2. Ratna Shankar Jha Chakradhar Jha Maharathpur, P.S. Begusarai Mufassil, Distt. Begusarai.
 3. Ram Chandra Jha Chakradhar Jha Maharathpur, P.S. Begusarai Mufassil, Distt. Begusarai.
 4. Baun Jha Ram Chandra Jha Maharathpur, P.S. Begusarai Mufassil, Distt. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sumesh Kant Thakur Tej Narain Thakur Maharathpur, P.S. Begusarai Mufassil, Distt. Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.C. Verma, Adv.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 15-09-2015

The Petitioners seek quashing of the order dated 14.03.2013 passed by the 3rd Additional Sessions Judge, Begusarai in Cr. Rev. No. 169 of 2012 by which it has confirmed the order dated 09.11.2011 passed by the Chief Judicial Magistrate, Begusarai in Begusarai Mufassil P.S. Case No. 279 of 2011 (G.R. No. 2501 of 2011) by which it has taken cognizance in the matter even though final report was submitted in its regard.

The case of the Informant is that he had some dispute with one Amar Shankar Jha and others on account of which when his son was returning home the accused persons caught him and attempted to kill him. After due investigation, the Police submitted charge-sheet only under Section 506 IPC

finding the rest of the allegations false.

The Petitioners submit that in circumstances when charge-sheet was submitted under Section 506 IPC and cognizance also taken under Section 323 IPC the case should be tried by the Magistrate. When such a prayer was refused the Revisional Court upheld the order of the Magistrate. The further submission is that on going through the contents of the First Information Report itself it appears that the occurrence had taken place on account of earlier dispute pending between them with trumped up charges.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the frivolous nature of allegations, I would be inclined to agree with the submission so raised on behalf of the Petitioners.

Hence, the entire proceeding as against all the accused persons including the order of cognizance dated 14.03.2013 passed by the 3rd Additional Sessions Judge, Begusarai in Cr. Rev. No. 169 of 2012 by which it has confirmed the order dated 09.11.2011 passed by the Chief Judicial Magistrate, Begusarai in Begusarai Mufassil P.S. Case No. 279 of 2011 (G.R. No. 2501 of 2011) is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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