

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21015 of 2013

Arising Out of PS.Case No. -327 Year- 2011 Thana -KANKARBAGH District- PATNA

- =====
1. Vikash Kumar @ Sunny
 2. Shashi Kumar Soni
 3. Ramesh Kumar Gupta

.... Petitioner/s

Versus

1. State of Bihar
2. Fulmani Ekka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra--Advocate

For the Opposite Party/s : Mr. Anant Kumar (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 14-07-2015

Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor.

Petitioners are aggrieved by an order dated 10.02.2012 whereunder cognizance of an offence under Section 354 I.P.C. has been taken; simultaneously petitioners have been summoned to face trial.

It has been submitted on behalf of petitioners that Section 354 I.P.C. is not an accurate section, which could justify the allegation and so, cognizance under Section 354/34 of the I.P.C. did not justify its prevalence.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

In 2015 Criminal Law Journal Page-241, the Hon'ble

Apex Court has held that it could not be a ground for quashing of proceeding, because of the fact that the proper application of section whereunder accused is to be prosecuted, is at the stage of framing of charge and on account thereof, petitioner will have an opportunity at that very moment to raise their grievances which, the learned lower court will consider in accordance with law.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

Vikash/-

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