

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42296 of 2012

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Pramod Kumar, S/O Sri Ramswaroop Singh, Resident of Village- Chandar
Bigha, P.S.- Baroon, District- Aurangabad

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Durgesh Kumar, Advocate

For the Opposite Party : Mr. A.M.P.Mehta (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 07-05-2015 The petitioner is challenging the order dated 3.8.2012 through which the Chief Judicial Magistrate, Aurangabad took cognizance of the offence punishable under various Sections, including Sections 147, 148, 149, 341, 323, 307 and 120B I.P.C. in relation to Aurangabad Town P.S. Case No.155 of 2012.

The grievance of the petitioner is that though in the final report, the police mentioned that no case is made out against the petitioner and three others, the learned Chief Judicial Magistrate has taken cognizance against the petitioner and three others.

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

The case was of rioting wherein 2000 persons are said to have been involved. In the F.I.R. 29 persons, including the petitioner, were named. Chargesheet was also filed. However, in

the final report it was mentioned that there is evidence against 25 accused and not against four persons, including the petitioner. The learned Chief Judicial Magistrate discussed the matter at length with reference to the relevant paragraphs of the case diary and took the view that four persons were omitted in the final report to be sent for trial.

This Court is not inclined to interfere with the reasoned order passed by the learned Chief Judicial Magistrate. Accordingly, the petition is dismissed.

(L. Narasimha Reddy,CJ)

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