

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41536 of 2012

Arising out of P. S. Case No. -219 Year- 2003 Thana -null District- BHOJPUR

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Anant Kumar, S/o Lorik Prasad, Resident of Village- Kamarganj, P.S.- Sultanganj,
District- Bhagalpur Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sucheta Yadav, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-04-2015

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

This application under Section 482 of the Code of
Criminal Procedure has been filed for quashing the order dated
22.10.2007 passed by the learned Judicial Magistrate-1st Class,
Arrah in Nawada P.S. Case No. 219 of 2003 by which the learned
Magistrate has taken cognizance for the offence punishable under
Sections 419, 420, 467 and 471 of the Indian Penal Code.

The allegations made in the first information report do
constitute a cognizable offence. The police investigated the case
and submitted charge sheet against the petitioner. After going

through the allegations made in the first information report and the materials collected in course of investigation, the learned Magistrate took cognizance of the offence vide order dated 22.10.2007. The said order is under challenge in the instant application.

It is to be noted here that the impugned order was passed in October, 2007 and the application under Section 482 of the Code of Criminal Procedure was filed before this Court on 10th October, 2012. On enquiry regarding the present stage of the case, learned counsel for the petitioner has submitted that he does not have any instruction as the petitioner did not approach him in the recent past.

Be that as it may, there is no legal issue involved in the present matter and on the facts of the case, I find no merit in this application. Accordingly, the application is dismissed.

However, if the charges have not been framed, it would be open to the petitioner to take all the points available to him at the stage of framing of charge.

(Ashwani Kumar Singh, J.)

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