

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49445 of 2012

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Bhajan Chandra Paul @ Bhajan Chand Pal & Ors.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Opposite Party/s : Mr. Subash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 13-03-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Court does not feel inclined to interfere with the order dated 15.04.2009 passed by learned Judicial Magistrate, 1st Class, Kishanganj in Complaint Case No. C-04/2009 whereby he has taken cognizance of the offences punishable under Sections 323, 452, 354, 379 and 384 of the Indian Penal Code, in the present proceeding under Section 482 of the Criminal Procedure Code since learned counsel for the petitioner has not been able to satisfy me that on the basis of allegation made in the complaint petition, no offence is made out under the sections aforementioned.

If on the basis of the allegations contained in the petition, the magistrate has taken cognizance, it will require no interference in exercise of power under Section 482 of the Criminal Procedure Code as admittedly, offence is made out on the basis of such

allegation.

This application is accordingly dismissed.

The petitioners shall have the liberty to raise the plea as has been raised in the present application at stage of framing of charge before the Court below or at any other appropriate stage, if so advised.

This application is disposed of accordingly.

(Chakradhari Sharan Singh, J.)

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