IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49530 of 2012

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1. Prem Kishor Kumar S/O Sri Ram Sewak Singh R/O Village- Dumari, P.S- Singhol, Distt- Begusarai.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bipin Kumar
For the Opposite Party/s : Mr. A.L.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 13-03-2015 This is an application under Section 482 of the Code of Criminal Procedure seeking quashing of the order dated 23.3.2005 passed by learned Judicial Magistrate Ist Class, Patna In Kotwali P.S. case No. 43 of 2005 whereby, he has taken cognizance of the offence under Sections 379 and 511 of the Indian Penal Code and has summoned the petitioner upon a charge-sheet submitted by the police after completion of investigation.

From the First Information Report, I find that the petitioner was named in the FIR and he was allegedly caught by the Public while the miscreants were trying to take away the motorcycle.

Learned counsel for the petitioner submits that there is no material in the case diary on the basis of which the cognizance

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could be taken. Such submission is absolutely frivolous. In my opinion, this application itself is frivolous. I find that there was specific allegation against the petitioner in the First Information Report. The Court below upon seeing the case diary and the charge-sheet took cognizance of the offence by an order dated 23.03.2005.

This application under Section 482 of the Code of Criminal Procedure has been filed seven years after the cognizance was taken. I am of the considered view that filing of the present application itself is an abuse of the process of the Court.

This application is accordingly, dismiseed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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