

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21621 of 2013

Arising Out of PS.Case No. -106 Year- 2011 Thana -JAGDISHPUR District- BHOJPUR

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1. Radhey Shyam Chaudhary S/O Late Ram Naresh Chaudhary Resident of Village Bachari, P.S. Jagdishpur, District Bhojpur at Arrah.
 2. Hirdaya Nand Singh @ Kanhaiya Singh S/O Suraj Singh Resident of Village Ram Das Tola, P.S. Jagdishpur, District Bhojpur at Arrah.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Tapeshwar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-03-2016 Heard learned counsel for petitioners and Sri Tapeshwar Sharma, learned Addl. Public Prosecutor.

Two petitioners, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 25-02-2013, whereby, the learned Judicial Magistrate 1st Class, Arrah in Trial No. 5977 of 2010 (arising out of Jagdishpur P.S. Case No. 106 of 2011) has framed charges under Sections 406/34, 409/34 and 420/34 of the Indian Penal Code.

Learned counsel for petitioners, by way of referring to **Annexure – 4** to the petition i.e. supervision note of Dy.S.P., Jagdishpur, submits that though the Dy. S.P. has found the case

not true, even then the petitioners were charge-sheeted as accused. On the basis of supervision note, it has been claimed that there was no material for framing of the charges.

Besides hearing, I have also perused the material on record. So far as impugned order is concerned, I do not find any apparent error warranting interference. At the time of framing of charge, there is no requirement for issuing a detailed reason. Only in case of passing an order of discharge in favour of the accused, the reason is required to be assigned by the concerned court. So far as argument of learned counsel for the petitioner that in the supervision note the Dy. S.P. has found the case not true is concerned, the Court is of the opinion that the supervision note is only an opinion and no reliance can be placed for adjudicating the matter on the basis of supervision note. The case is to be decided on the material collected during investigation, not on supervision note.

I do not find any apparent error.

The petition stands dismissed.

(Rakesh Kumar, J.)

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