

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27246 of 2013

- =====
1. Vinod Kumar Yadvendu alias Binod Kumar Yadvendu , son of Late Ram Kishun Yadav, resident of Mohalla - Chiraiyatand Police Station Rampur District Gaya
 2. Manoj Kumar Yadav, son of Late Rameshwar Yadav, resident of Village - Kalhaura, Police station Bodhgaya, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. Anirudh Bhante, son of Parvindar Lal Barua, resident of What Thai Temple, Bodhgaya Police station Bodhgaya District Gaya

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Mayanand Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-04-2016 Heard Sri Ashok Kumar, learned counsel for the petitioners and Sri Maya Nand Jha, learned A.P.P.

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 28.8.2012 passed in connection with Bodhgaya P.S. Case No. 142 of 2012 , G.R. No. 2366 of 2012. By the said order the learned Magistrate after submission of charge- sheet has taken cognizance of offences under Sections 147/ 149/ 323/ 448/ 427/ 384 of the Indian Penal Code.

Learned counsel for the petitioners by way of placing reliance on one of the Annexures i.e. photo copy of the sale deed

tried to persuade the Court that the land in dispute was actually purchased by petitioners' side and false case was instituted. He further submits that the learned Magistrate in the order of cognizance has not assigned any reason and on the aforesaid two grounds he has made a prayer for quashing of the order of cognizance.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. In the F.I.R. itself there was specific accusation against the petitioners regarding demand of *rangdari*. Police after investigation submitted charge sheet and only thereafter, the learned Magistrate has passed the order of cognizance. So far as examination of the document i.e. photo copy of the sale deed is concerned, the Court is of the opinion that while exercising power under Section 482 of the Code of Criminal Procedure in a case against order of cognizance this Court may not examine any such document which is not part of the Police record. So far as assigning reason by the learned Magistrate at the time of passing of order of cognizance is concerned, the Court is of the opinion that once charge sheet is submitted and learned Magistrate in affirmance with the charge sheet passes order of cognizance, there is no requirement for assigning any detail reason. I have perused the materials available

on record. I do not find any defect warranting interference by this Court. Accordingly, the petition stands dismissed.

Keeping in view the fact that the order of cognizance was passed long back on 28.8.2012, while dismissing the present petition it is desirable to direct the court below to proceed with the case expeditiously so that the case may come to its logical end without any further delay.

The concerned Superintendent of Police is also required to render proper assistance to the court below.

Let a copy of this order be communicated to the court below as well as to the concerned Superintendent of Police.

(Rakesh Kumar, J)

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