

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33312 of 2013

Arising Out of PS.Case No. -459 Year- 2012 Thana -TURKAULIYA District- EAST
CHAMPARAN (MOTIHARI)

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1. Durga Singh S/o Late Nathuni Singh
2. Manoj Kumar Singh S/o Durga Singh
Both are resident of Village- Jaisingpur tola Rajpur, Police Station- Turkawalia,
District- East Champaran (Motihari), Bihar

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyam Narayan Pandey, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-08-2016

The present application under Section 482 of the Code of Criminal Procedure (for short 'CrPC') has been filed for quashing of the order dated 02.04.2013 passed by the learned Chief Judicial Magistrate, Motihari in Turkauliya P.S. Case No. 459 C of 2012 whereby cognizance has been taken against the petitioners of the offences punishable under Sections 447, 427, 341, 323, 379 and 504/34 of the Indian Penal Code.

The allegations made in the FIR, as contained in Annexure-1 to the present application, do attract ingredients of the aforesaid offences.

On completion of investigation, the police found the allegations to be true against the petitioners for the offences punishable under Sections 341, 323 and 504/34 of the Indian Penal Code, but differing with the police report, the learned Chief Judicial Magistrate, East Champaran, Motihari took cognizance of the offences punishable under Sections 447, 427, 341, 323, 379 and 504/34 of the Indian Penal Code and summoned the petitioners to face trial.

From perusal of the impugned order dated 02.04.2013, it would appear that while differing with the police report, the learned Chief Judicial Magistrate has recorded that there is prima facie material in the case diary to take cognizance of the aforesaid offences.

In that view of the matter, I do not find any illegality in the aforesaid order dated 02.04.2013. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	N.A.
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