

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35159 of 2013

Arising Out of PS.Case No. -189 Year- 2011 Thana -NAWADA MUFFASIL District- NAWADA

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Jitendra Kumar @ Prashant Kumar son of Sri Baleshwar Prasad, Sakin- Samarhi,
Thana- Nardiganj, Present Address- Kalipur, Thana- Muffasil, District- Nawada
(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Circle, Patna.
4. The Deputy Inspector General of Police, Magadh Range, Gaya.
5. The Superintendent of Police, Nawada.
6. The S.D.P.O, Sadar, Nawada.
7. The Officer Incharge Muffasil, P.S- Nawada.
8. Ram Shwarup Chaudhary son of Late Banshi Choudhary, Village -Kalipur, P.S-
Muffasil, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-08-2016

Heard learned counsel for the petitioner and learned counsel
for the State.

2. The petitioner has been made accused in Nawada P.S.
Case No.189 of 2011 registered under Sections 384, 420, 467, 468
and 471 of the Indian Penal Code as well as Section 3(1)(viii)(x) of
the Scheduled Castes and the Scheduled Tribes (Prevention of
Atrocities) Act.

3. On completion of investigation, the police found the



allegations made in the FIR to be true. Accordingly, the petitioner was sent up for trial. On receipt of police report, cognizance of the offence was taken and the petitioner was summoned to face trial. At the stage of framing of charge, an application under Section 227 of the Code of Criminal Procedure was filed by the petitioner in the court of Special Judge, Nawada. The said application for discharge has been rejected by the learned Additional Sessions Judge-1, Nawada vide order dated 8.5.2013.

4. Mr. Sunil Kumar Singh, learned counsel for the petitioner submits that the aforesaid order dated 8.5.2013 is bad in the eye of law as there is no ground on the basis of which charges could be framed against the petitioner. He has submitted that the allegations made in the FIR are totally false and the informant has filed an application before the court below stating therein that he has filed no such case.

5. On the other hand, Mr. Anant Kumar, learned counsel for the State has submitted that the order impugned has rightly been passed by the court below as the offences alleged are not compoundable in nature. According to him, a compromise arrived at outside the court in a non-compoundable case cannot be a ground on the basis of which a person against whom there are sufficient materials can be discharged.

6. I have heard respective counsel for the parties and perused the record. I find force in the submissions made by the learned counsel for the State. It would be evident from perusal of the impugned order dated 8.5.2013 that apart from the informant, other witnesses whose statements have been recorded under Section 161(3) CrPC in paragraphs 6 to 11 have supported the prosecution case. That being so, no error or illegality can be found with the order dated 8.5.2013 passed by the learned Additional District and Sessions Judge-1, Nawada.

7. In that view of the matter, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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