

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.35765 of 2013**

Arising out of P.S. Case No. -97 Year- 2011 Thana -BIRPUR District- SUPAUL

Tanveer Alam @ Md. Tanveer Alam, s/o Abdul Kudus, resident of Mohalla Birpur, Ward No. 07, P.S. Birpur, District Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Banwari Sah, s/o late Shiv Narayan Sah, resident of ward No. 8, Birpur, P.S. Birpur, District Supaul.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Kumar Singh, Adv.  
For the State : Mr. Mani Madhukar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 11-08-2016**

The petitioner Tanveer Alam @ Md. Tanveer Alam has been made accused in Birpur P.S. Case No. 97 of 2011 dated 2.7.2011 registered under Section 384/34 of the Indian Penal Code.

2. On completion of investigation the police found the allegations made in the F.I.R. to be true. Accordingly, a report under Section 173(2) of the Code of Criminal Procedure was filed in the Court vide Charge Sheet No. 126 of 2011 dated 31<sup>st</sup> July, 2011.

3. On perusal of the allegations made in the F.I.R, statements of the witnesses recorded under Section 161(3) of the Code of Criminal Procedure and the police report submitted under Section 173(2) of the Cr. P.C., the Sub Divisional Judicial Magistrate, Birpur,

took cognizance of the offences punishable under Section 385, 384/34 and 353 of the Indian Penal Code vide order dated 12<sup>th</sup> April, 2013. The aforesaid order dated 12<sup>th</sup> April, 2013 is under challenge in the present application preferred under Section 482 of the Code of Criminal Procedure.

4. Having perused the F.I.R. which is based on Complaint referred to the police under Section 156(3) of the Cr. P.C. and the police report submitted under Section 173(2) of the Criminal Procedure Code, I find no illegality in the impugned order dated 12.4.2013. Even otherwise, there is nothing on the record on the basis of which the present status of the case could be known. It would be evident from the impugned order that witnesses whose statements were recorded under Section 161(3) of the Code of Criminal Procedure in paragraphs No. 1, 3, 4, 6, 8 and 9 have supported the allegations made in the F.I.R.

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

**(Ashwani Kumar Singh, J)**

S.Ali/-

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