

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13494 of 2015

Arising Out of PS.Case No. -210 Year- 2009 Thana -PARSABAZAR District- PATNA

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1. Budhdeo Paswan, son of late Deonandan Paswan
 2. Chandradeep Paswan, son of late Deonandan Paswan
 3. Santosh Paswan @ Santosh Kumar, son of late Kapildeo Paswan
 4. Mantu Paswan, son of late Kapildeo Paswan

All are r/o Atwarpur, P.S.- Parsa Bazar Distt.- Patna

.... Petitioners

Versus

1. The State of Bihar.
2. Kamlesh Paswan son of late Ramchandra Paswan r/o Atwarpur, ps Parsabazar Distt. Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shiopujan Singh, Advocate
For the Opposite Party/s : Mr. A. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-05-2016

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

By way of the present application preferred under
Section 482 of the Code of Criminal Procedure, the petitioners seek
quashing of the order dated 20th March, 2010 passed by the learned
Chief Judicial Magistrate, Patna by which cognizance has been
taken for the offence punishable under Section 387/34 of the Indian

Penal Code against the petitioners in connection with Parsa Bazar P.S. Case No. 210 of 2009.

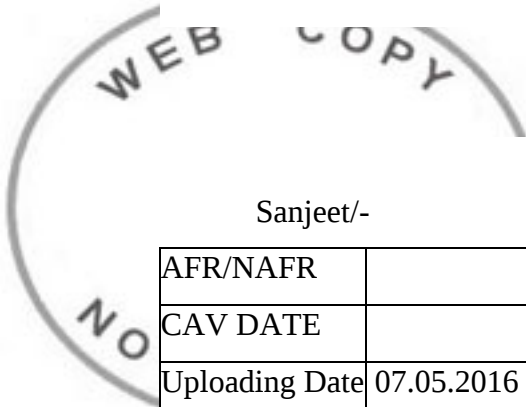
Learned counsel for the petitioners has submitted that the petitioners are innocent and have been implicated in a false case. He has further submitted that the case arises out of land dispute and, as a matter of fact, a malicious prosecution has been launched by the informant in order to humiliate and harass the petitioners of the present case.

I have heard learned counsel for the petitioners and perused the materials available on record.

The allegations made in the FIR do attract ingredients of a cognizable offence. The investigating officer of the case has found the allegations made in the FIR to be true during investigation and on completion of investigation, a report under Section 173(2) of the Code of Criminal Procedure has been submitted in the court, pursuant to which, the learned Magistrate has taken cognizance of the offence. Apparently, the challenge is to the order passed by the Chief Judicial Magistrate more than six years ago. There is no averment in the application regarding stage of the case.

In view of the inordinate delay of about six years in approaching this Court as also in view of the allegations made

which have been found true during investigation, I do not find any merit in this application. Accordingly, it is dismissed.



(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.05.2016
Transmission Date	07.05.2016