

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14367 of 2016

Arising Out of PS.Case No. -100 Year- 2015 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

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Anand Kumar Ray, S/o Late Sheopujan Ray, resident of Village- Vivi
Bankatwa, P.S.- Bathwaria, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Muzaffarpur.
4. The Deputy Inspector General of Police, Champaran Range, Bettiah.
5. The Superintendent of Police, Bettiah West, Champaran.
6. The Deputy Superintendent of Police, Bagaha, West Champaran.
7. The Officer-in-Charge of Chautarwa Police Station, Bagaha, West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Anand Kishore Choudhary,
Advocate.

For the Opposite Parties : Mr. Kanhaiya Kishore (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-08-2016 Heard both sides.

The petitioner has filed this petition under Section 482 of the Cr.P.C. for quashing the order dated 27.10.2015 in G.R. No. 489 of 2015, arising out of Chautarwa P.S. Case No. 100 of 2015, by which the learned Additional Chief Judicial Magistrate, Bagaha accepted the final form finding the case false.

The informant-petitioner lodged Chautarwa P.S. Case No. 100 of 2015, under Section 392 of the Indian Penal Code against unknown for committing robbery of his vehicle. The

police after investigation submitted final form finding the case false and the learned Additional Chief Judicial Magistrate, Bagaha accepted the final form vide order dated 27.10.2015.

It is submitted that the learned Additional Chief Judicial Magistrate, Bagaha has committed error in accepting the final form without giving notice to the informant.

It appears that the learned Additional Chief Judicial Magistrate, Bagaha has not issued any notice to the informant and accepted the final form and therefore the impugned order is illegal and fit to be set aside.

Accordingly, the petition is allowed and the order dated 27.10.2015, is set aside with a direction to the learned Additional Chief Judicial Magistrate, Bagaha to pass order afresh after giving notice to the informant and after his appearance.

(Prabhat Kumar Jha, J.)

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