

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 13863 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -KHODABANDPUR District- BEGUSARAI

Hare Krishna Sahni @ Krishna Sahni S/o Ram Baran Sahni Resident of
Village Ekamba Sekha tola, P.S. Khodabandpur, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar

For the Opposite Party/s : Mr. D.P.Tiwari (App)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-09-2016 Heard Sri Nakul Kumar Jamuar, learned counsel for the
petitioner and Sri Damodar Prasad Tiwary, learned Addl. Public
Prosecutor.

The sole petitioner has approached this Court invoking
its inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, 1973, with a prayer to quash an order dated
25-02-2016 passed by learned 1st Additional Sessions Judge-cum-
Special Judge of POCSO Act, Begusaria (hereinafter referred to as
the 'Special Judge') in POCSO Case No. 01 of 2016 (arising out of
Khodabandpur P.S. Case No. 163 of 2015). By the said order, the
learned Special Judge has taken cognizance of offence under
Section 376(D) of the Indian Penal Code and Sections 6/8 of the
Protection of Children from Sexual Offences Act, 2012 (i.e. POCSO
ACT).

Learned counsel for the petitioner, while assailing the

order impugned, submits that it is true that in the F.I.R., the petitioner is the main accused alongwith one Santosh Kumar, however; during investigation, no sufficient material was collected against the petitioner and as such, while filing chargesheet, the petitioner was exonerated. The chargesheet was submitted against only one accused i.e. Santosh Kumar. Despite the fact that petitioner was exonerated by the police, the learned Special Judge has passed the order of cognizance and as such, a prayer has been made to quash the impugned order.

Besides hearing, I have also perused the material on record. In the F.I.R., the victim girl, who was aged about 14 years, has made specific accusation that petitioner and chargesheeted accused Santosh Kumar had raped her. Besides this, while passing the impugned order, differing with the police report, the learned Special Judge has referred number of paragraphs of the case diary, including the statement of the victim girl recorded under Section 164 of the Cr.P.C.

On going through the material on record, particularly; F.I.R. and the impugned order, the Court is satisfied that there is no error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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