

Arising Out of PS.Case No. -511 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

.... Petitioner

1. The State of Bihar
2. Shabnam Kumari W/O Shankar Kumar Singh @ Shankar Kumar, D/O
Ram Naresh Singh R/O Village- Mahendrapur, P.S. Nayagaon, District-
Begusarai

With

Arising Out of PS.Case No. -511 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

Both are sons of Sadhu Saran Singh

.... Petitioners

1. The State of Bihar
2. Shabnam Kumari Wife of Shankar Kumar Singh @ Shankar Kumar, D/O
Ram Naresh Singh, Resident of Village Mahendrapur, P.S. Nayagaon,
District-Begusarai

Appearance :

(In Cr.Misc. No.21021 of 2013)

For the Petitioner/s : Mr. Arun Kumar
Mr. Ram Binay Prasad Singh

For the Opposite Party/s : Mr. Arun Kumar Singh-5(App)\

(In Cr.Misc. No.25395 of 2013)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Bharat Bhushan (App)



Since in both petitions, same order i.e. order of cognizance dated 18.05.2012 passed by the learned Sub Divisional Judicial Magistrate, Begusarai in Complaint Case No.511(C)/2011 was challenged, both petitions were heard together and are being disposed of with this common order.

Heard learned counsel for the petitioner(s), learned Addl. Public Prosecutor as well as Sri (Dr.) Amrendra Kumar, learned counsel, who has appeared on behalf of the complainant.

The petitioners have assailed the order of cognizance raising a plea that entire family members have been made accused. However, after going through the impugned order, it is evident that the learned Magistrate, after examining the complainant on S.A. and three witnesses, who were examined during enquiry, has passed order of cognizance. It is not a case that the order of cognizance is without jurisdiction or there is any technical error. Only argument has been advanced to examine on merit. The Court is of the opinion that since the Code of Criminal Procedure itself provides certain remedy to accused persons, the order of cognizance in absence of any illegality may not be interfered with. Accordingly, there is no reason to interfere with the impugned order.



It goes without saying that the petitioners would be at liberty to raise all the points, which have been taken in the present petition, before the court below at the appropriate stage.

Accordingly, both petitions are disposed of.

In view of disposal of the present petition, the order of stay stands automatically vacated.

(Rakesh Kumar, J)

NKS/-

U		T	
---	--	---	--

