

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7648 of 2011

- =====
1. Sushil Kumar Jhunhunwala S/O Sri Vijay Kumar Jhunhunwala Soababu Chowk Bettiah P.S. Bettiah Town District West Champaran
 2. Mukesh Kumar Jhunhunwalal S/O Vijay Kumar Jhunhunwala Soababu Chowk Bettiah P.S. Bettiah Town District West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sub- Divisional Magistrate (Sdm) Bettiah
3. Superintendent Of Police , West Champaran
4. Officer-In -Charge , Bettiah Town Police Station District West Champaran
5. Assistant Sub- Inspector Of Police , Bettiah Town Police Station District West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anju Narain, Adv.
Mr. Umesh Kumar Roy, Adv.
For the State : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 09-05-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners seek quashing of the order dated 6.12.2010 passed by the Sub Divisional Magistrate, Bettiah by which he has initiated a Proceeding under Section 188 Indian Penal Code in a case No. 70MK of 2010 arising out of Case No. 48M of 2010.

The submission of the Petitioner is that the said order was passed even after the Proceeding had lapsed and, therefore, the Magistrate had no jurisdiction to pass such an order on the Police report.

Having considered the aforesaid, the application is allowed and the Proceeding including the order dated 6.12.2010 passed by the Sub Divisional Magistrate, Bettiah by which he has initiated a Proceeding under Section 188 Indian Penal Code in a case No. 70MK of 2010 arising out of Case No. 48M of 2010, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	