

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2206 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -GUTHNI District- SIWAN

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1. Nag Narain Chaubey, S/o Late Surya Narain Choubey
 2. Tap Narain Choubey S/o Late Uttim Narain Chaubey
 3. Rahul Chaubey S/o Tap Narain Chaubey
 4. Dharendra Chaubey S/o Tap Narain Chaubey

All Resident of Village -Karnai, P.S.- Darauli, District- Siwan.

.... Petitioners

Versus

1. The State of Bihar.
2. Ram Nagina Chaubey S/o Late Brij Nandan Chaubey R/o Village- Karnai, P.S.- Darauli, District Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore Mishra, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 02-02-2016

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

By way of the present application under Section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 01.11.2014 passed by the learned Chief Judicial Magistrate, Siwan in Guthani P.S. Case No. 196 of 2013 whereby differing with the police report submitted under Section 173(2) of

the Code of Criminal Procedure, the learned Chief Judicial Magistrate, Siwan has taken cognizance of the offences punishable under Sections 384 and 394 read with 34 of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that the finding of the learned Magistrate is perverse. He has not considered the police report in correct perspective and mechanically passed the order.

I have considered the materials available on record. It would be evident from the impugned order that the learned Magistrate while passing the impugned order has taken into consideration statements of witnesses recorded in para 4, 5, 6, 7 & 8 of the case diary wherein all the witnesses have consistently said that the petitioners had participated in commission of the offence as alleged in the complaint.

In that view of the matter, I do not find any error in the impugned order. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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