

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29274 of 2013

Arising Out of PS.Case No. -44 Year- 2012 Thana -PRANPUR District- KATIHAR

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Sundar Mandal @ Sundar Prasad Mandal S/O Late Mahabir Prasad Mandal
Resident of Village- Dharhan, P.S.- Pranpur, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. The Block Development Officer, Pranpur, District- Katihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Abhay Kr.Rai (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 19-12-2016 Heard Sri Bhola Prasad, learned counsel for the
petitioner and Sri Abhay Kumar Rai, learned Addl. Public
Prosecutor.

The sole petitioner, who at the relevant time was Mukhiya, 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 16-02-2013 passed by learned Chief Judicial Magistrate, Katihar in Pranpur P.S. Case No. 44 of 2012. By the said order, the learned Magistrate has taken cognizance of offence under Sections 406, 420, 409 of the Indian Penal Code. The order of cognizance has been passed after submission of chargesheet, in which, petitioner's name was incorporated in column no. 11.



Learned counsel for the petitioner submits that without any specific material, the petitioner was made accused.

However, Sri Abhay Kumar Rai, learned Addl. Public Prosecutor, by way of referring to impugned order, submits that there is no apparent error warranting interference. He submits that petitioner was named as accused in the F.I.R. and after investigation, chargesheet was submitted and only thereafter, order of cognizance has been passed.

Since there is no apparent error warranting interference, there is no reason to pass any favourable order.

The petition stands dismissed.

While dismissing the present petition, keeping in view the fact that order of cognizance was passed long back in the year 2013, the learned court below is required to proceed with the case for its expeditious disposal.

(Rakesh Kumar, J.)

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