

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.922 of 2015

Arising Out of PS.Case No. -186 Year- 2013 Thana -SUPAUL District- SUPAUL

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Maheshwar Chouhan Son of Late Makan Chouhan Resident of Karhiho Tola -
Baghi,P.S+District-Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.
Mr. Sanjay Kumar @ S.K. Advocate.
For the State : Mr. Ram Chandra Sahni, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 01-12-2016

This application under Section 482 of the Cr.P.C has been filed seeking quashing of the order dated 04.12.2014, passed in Sessions Trial No. 185 of 2013, by the learned Additional Sessions Judge II, Supaul whereby he has rejected an application filed by the petitioner under Section 228(1) of the Cr.P.C for discharging him of the offence punishable under Section 436 of the IPC.

It is the case of the petitioner that there being no material on record to support the allegation of commission of offence under Section 436 of the IPC and there being no ground for framing charge under the aforesaid Section, the rest of the offences being triable by the Court of learned Judicial Magistrate, the case ought to have been



transferred accordingly to the Court of a learned Judicial Magistrate.

I have perused the impugned order from which it transpires that learned Court below has applied his mind and has recorded that there were materials available to constitute the offence under Section 436 of the IPC. It appears from the order that burnt articles were found from the place of occurrence in course of investigation.

I do not find any reasons to interfere in this matter. The application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Prakash/-

AFR/NAFR	
CAV DATE	
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