

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24705 of 2016

Arising Out of PS.Case No. -19 Year- 2013 Thana -BANIAPUR District- SARAN

1. Raghunath Rai, S/o Late Narsingh Rai,
2. Afgan Ansari, S/o Late Farukh Ansari, Both resident of Village- Satuan P.S.-
Baniyapur, Distt.- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 29-09-2016

Heard.

2. This application has been filed under Section 482 of the Code of Criminal Procedure to quash the order dated 22.06.2015 passed in Baniyapur P.S. Case No. 19 of 2013 (G.R. No. 364 of 2013)/ U.T. No. 280 of 2016, whereby the court of Sri B.B. Rai, Judicial Magistrate Ist Class, Chapra, took the cognizance of the offence under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code against the accused including the petitioners.

3. Learned counsel for the petitioners submits that on investigation while the Investigating Officer submitted the final form against the petitioners but the learned Magistrate illegally took the cognizance against the petitioners along with other accused, under

Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code through the impugned order.

4. On going through the impugned order, it appears that the learned Judicial Magistrate, took the cognizance of the offences under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code against the accused-petitioners and also final form was submitted by the Investigating Officer on perusal of the materials available in the case diary differing with the opinion of the Investigating Officer. The cognizance taking court is empower to differ with the opinion of the Investigating Officer and took the cognizance of the offence on material available in the case diary. I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application is dismissed .

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.10.2016
Transmission Date	