

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50263 of 2013

Arising Out of PS.Case No. -109 Year- 2011 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Nirmala Devi W/O Late Sitaram Pandey
2. Sheema Devi W/O Rakesh Pandey
3. Rakesh Kumar Pandey @ Rakesh Pandey S/O Late Sitaram Pandey
All are resident of Village - Shyampur, P.S. Adapur, District - East Champaran.

.... Petitioners

Versus

1. The State of Bihar
2. Most Chanchala Devi W/O Late Mukesh Pandey Resident of Village - Shyampur, P.S. Adapur, District - East Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Miss. Namrata Singh
Mr. Siya Ram Shahi

For the Opposite Party/s : Mr. Raj Kishor Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 28-07-2016 Heard Miss Namrata Singh, learned counsel, who was assisted by Sri Siya Ram Shahi, learned counsel for petitioners and Sri Raj Kishor Singh, learned Addl. Public Prosecutor.

Three petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 17-09-2013 passed by learned 4th Additional Sessions Judge, Motihari, East Champaran in Sessions Trial No. 600 of 2012 (arising out of Adapur P.S. Case No. 109 of 2011) registered for the offence under Section 307 & other allied sections of the Indian Penal Code. By the said order, the learned Addl. Sessions Judge has

rejected the petition filed under Section 228 of the Cr.P.C. for remitting back the matter to the court of learned Magistrate, on the ground that offences alleged were not triable by the court of sessions.

Learned counsel for petitioners, while pressing the petition, submits that the present case was lodged only for the purposes of putting pressure to get more share in the property and complainant, who is widow of son of petitioner no. 1, has unnecessarily implicated the petitioners.

Learned Addl. Public Prosecutor has opposed the prayer. By way of referring to paragraph – 4 of the impugned order, he submits that the injury was found on the scalp of one Ramnath Pandey, who was assaulted in the present occurrence. He submits that it is specific case of section 307 of the I.P.C.

Besides hearing, I have also perused the materials on record. On going through the material on record, the Court is satisfied that learned Addl. Sessions Judge has committed no error in rejecting the petition.

The petition stands dismissed.

(Rakesh Kumar, J.)

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