

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23151 of 2013

Arising Out of PS.Case No. -61 Year- 2012 Thana -MANIHARI District- KATIHAR

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Smt. Kumkum Devi W/o Munna Singh, R/o Vill. Kumaripur, P.S. Manihari, District – Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Uday Chandra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 05-04-2016 Heard Sri Bimal Kumar, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The petitioner, who was at the relevant time Mukhiya, has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 28-02-2013 passed by learned Chief Judicial Magistrate, Katihari in Manihari P.S. Case No. 61 of 2012. By the said order, the learned Magistrate has taken cognizance of offence under Section 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that on perusal of the F.I.R. and materials on record, no offence under Section 406 of the I.P.C. is made out. He further submits that in respect of the amount involved in the present petition, a separate recovery proceeding is also continuing. On aforesaid ground, a

prayer has been made to quash the order of cognizance.

Besides hearing learned counsel for the parties, I have also perused the material available on record. On going through the F.I.R. as well as impugned order, I do not find any apparent defect warranting interference. So far as recovery proceeding is concerned, this Court is not at all concerned with the said proceeding. On perusal of the impugned order, it is evident that police after investigation submitted chargesheet and only thereafter, the learned Magistrate has passed the order of cognizance.

Keeping in view the fact that there is no apparent error warranting interference, the petition stands dismissed.

While dismissing the present petition, it is desirable to direct the court below to take appropriate step so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

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