

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19084 of 2014

Arising Out of PS.Case No. -54 Year- 2010 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandeshwar Prasad, son of Dhanushdhari Prasad
2. Pramod Prasad, son of Ramdeo Prasad
3. Deemal Sah, son of Raghunath Sah
All residents of Village Parsauni, P.O. and P.S. Paharpur, District
East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 02-08-2016 Heard Sri Pravin Kumar, learned counsel for the

petitioners and Mr. Md. Aslam Ansari, 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
04.03.2014 passed in Sessions Trial no.217/2013, whereby the
petition filed for discharge on behalf of the petitioners under
Section 227 of the Code of Criminal Procedure was rejected.

Learned counsel for the petitioners submits that
initially an F.I.R. was lodged vide Paharpur P.S. Case no.54/2010



registered for the offence under Section 436 of the Indian Penal Code against the petitioners and other accused. However, during investigation, the accusation was not found true and the police submitted final report. In this case, the informant had filed a protest petition alleging therein that the police in collusion with the accused exonerated the accused persons and filed final report. Thereafter, the protest petition was treated as complaint case and the learned Magistrate conducted enquiry. During enquiry, the witnesses have supported the prosecution case and only thereafter the learned Magistrate passed order of cognizance.

It has been argued by learned counsel for the petitioners that falsity of the case is apparent from the fact that during investigation, no witnesses have supported the prosecution case.

Learned Addl. Public Prosecutor, opposing the prayer of the petitioners, submits that once during investigation witnesses have supported the prosecution case, the learned Magistrate has rightly passed order of cognizance. He further submits that the order of cognizance was challenged before the revisional court, which was approved by the revisional court. He further submits that the learned 4th Addl. Sessions Judge has committed no error in rejecting the discharge petition.

Besides hearing learned counsel for the parties, I have also perused the materials on record including the impugned order. After going through the same, I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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