

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25144 of 2013

Arising Out of PS.Case No. -65 Year- 2010 Thana -DANAPUR District- PATNA

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Tasu Kesri @ Varun Kesari, Son of Dilip Kesri, resident of Mohalla Bibiganj, Dalbar Road, Police Station- Danapur, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Suresh Prasad, Son of Late Ramchandra Prasad, resident of At Bibiganj Maida Toli, Police Station- Danapur, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 31-03-2016 Heard Sri Ajay Prasad, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The petitioner, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 01.11.2012 passed by learned Addl. Chief Judicial Magistrate, Danapur in Danapur P.S. Case no.65/2010. By the said order, the learned Magistrate has taken cognizance of offence under Sections 406, 420, 323, 341, 504 of the Indian Penal Code.

Learned counsel for the petitioner has taken a plea that at the time of occurrence, he was not present at Danapur, rather he was pursuing his study at Turuchirapalli. Learned counsel for the

petitioner has tried to persuade the Court to examine Annexure-3 series to the present petition to draw an inference that the petitioner was not present at the place of occurrence when the occurrence had taken place.

Earlier a complaint was filed, which was referred to the police under Section 156(3) of the Code of Criminal Procedure and, thereafter, an F.I.R. was lodged. After lodging the F.I.R. the police investigated the case and during investigation the accusation against the petitioner and others was found true and only after filing of the chargesheet, since the petitioner and other accused persons were forwarded as accused, the learned Magistrate has passed order of cognizance.

I do not find any apparent error in the impugned order warranting interference. The petition stands dismissed.

(Rakesh Kumar, J)

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