

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21016 of 2014

Arising Out of PS.Case No. -74 Year- 2010 Thana -NEEMACHANDPURA District- BEGUSARAI

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Chhatish Sahni son of Bishun Sahni resident of village - Neema, P.S.
Neema Chandpura, district - Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Sinha

For the Opposite Party/s : Mr. Madan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 12-08-2016 Heard learned counsel for the petitioner and Sri
Madan Kumar, learned Addl. Public Prosecutor.

The sole petitioner has approached this Court under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 12-11-2013 passed by learned Additional Sessions Judge 4th, Begusarai in Sessions Trial No. 606 of 2011 (arising out of Neema Chandpura P.S. Case No. 74 of 2010) registered for the offence under Sections 452, 376/511 of the Indian Penal Code. By the said order, learned Addl. Sessions Judge has rejected the petition filed under Section 228 of the Cr.P.C. on behalf of petitioner.

It was submitted by learned counsel for the petitioner that during investigation, material as collected, does not suggests

commission of offence under Section 376/511 of the I.P.C. According to learned counsel for the petitioner, it may be hardly a case of under Section 354 of the I.P.C., which is required to be tried by the Magistrate. On aforesaid ground, a prayer has been made to quash the impugned order.

Learned Addl. Public Prosecutor has opposed the prayer.

Besides hearing, I have also perused the material on record. On going through the same, the Court is of the opinion that learned Addl. Sessions Judge, while rejecting the petition under Section 228 of the Cr.P.C. filed on behalf of petitioner, has committed no error. The learned Magistrate had also noticed the statement of witnesses including the victim girl.

The petition stands dismissed.

(Rakesh Kumar, J.)

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