

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 53406 of 2013

Arising Out of PS.Case No. -1006 Year- 2006 Thana -MUNGER COMPLAINT CASE District-MUNGER

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Govind Yadav Son of Chedi Yadav R/O Village-Shreepur, P.S.
Sangrampur, District-Munger

.... Petitioner

Versus

1. The State of Bihar

2. Sakal Deo Yadav

3. Shyam Kishore

4. Hirday Narayan Yadav

Sl. no. 2 to 4 are sons of Late Chedi Yadav R/O Village-Shreepur, P.S.
Sangrampur, District-Munger

5. Radhe Rajak Son of Late Baldeo Rajak R/O At-Makanpur, P.S.
Sangrampur, Distt-Munger

6. Nan Singh Sao Son of Late Lukhi Sah R/O Village-Shreepur, P.S.
Sangrampur, District-Munger

7. Ramchandra Yadav Son of Tilouki Yadav resident at Jhikuli, P.S.
Sangrampur, Distt-Munger

8. Jamuna Prasad Mandal Son of Late Mahraj Mandal resident at Jhikuli,
P.S. Sangrampur, Distt-Munger

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

Mr. Sita Ram Yadav

For the Opposite Party/s : Mr. Bharat Bhushan(App)

Mr. Ajit Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 26-07-2016 Heard Sri Bipin Kumar, learned counsel, who was assisted by Sri Sita Ram Yadav, learned counsel for the petitioner, learned Addl. Public Prosecutor as well as Sri Ajit Kumar Singh, learned counsel, who has voluntarily appeared on behalf of opposite party no. 2 to 8/accused persons.

The complainant/petitioner has approached this Court with a prayer to quash an order dated 18-09-2013 passed in Complaint Case No. 1006(C) of 2006 by the learned Judicial

Magistrate 1st Class, Munger. By the said order, the learned Magistrate has rejected the petition filed on behalf of complainant/petitioner under Section 216 of the Cr.P.C. for amendment of charge.

Learned counsel for the petitioner submits that it was a fit case for amending the charge under Sections 384, 468 & 471 of the Indian Penal Code, however; the learned Magistrate without any reason rejected the petition, whereas, Sri Ajit Kumar Singh, learned counsel for opposite party no. 2 to 8/accused persons submits that this petition was filed only and only with a prayer to persecute the opposite parties, not to prosecute the opposite parties. He submits that complaint was filed long back in the year 2006 and petition for amendment of charge was filed in the year 2013. He submits that learned Magistrate after examining the materials on record has rightly rejected the petition, which is not required to be interfered with.

Besides hearing, I have also perused the materials on record, particularly the impugned order. I do not find any defect in the order impugned warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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