

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32194 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

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1. Deepak Kumar, Son of Anil Kumar Prasad, Resident of Hanumant Nagar, Lakhimpur, P.S.- Siwan Town, District - Siwan.

2. Subhadra Kumari, Wife of Anil Kumar Prasad, Resident of Hanumant Nagar, Lakhimpur, P.S.- Siwan Town, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Praveen Kumar Pathak, Son of Sri Krishna Pathak, Resident of Hanumant Nagar, Lakhimpur, P.S.- Siwan Town, District - Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 06-04-2017

Heard learned counsel for the petitioners and the learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 03.04.2013 passed in Complaint Case No. 2456 of 2012/Tr. No. 5771 of 2013, whereby the learned Judicial Magistrate Ist Class, Siwan, summoned the accused-petitioner, on inquiry, under Section 204 of Cr.P.C finding the prima facie case, under Sections 323, 504, 427 and 379/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that, in



fact, accused-petitioner no. 2, Subhadra Kumari, had lodged S.C./S.T. P.S. Case No. 09 of 2012, on 07.09.2012, against the opposite party no. 2 for the offence under Sections 341, 323, 427, 448, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(iv)(v)(x)(xv) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act due to that reason opposite party no. 2 has filed the present case.

4. On going through the impugned order, I find no illegality amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioner would be at liberty to raise his defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

