

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17471 of 2014

Arising Out of PS.Case No. -486 Year- 2013 Thana -FORBESGANJ District- ARRARIA

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1. Vishwanath Mehta, son of Sonai Mehta, resident of village - Rampur, Basgara,
Police Station - Forbesganj, Dist. - Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Prakash Mehta (Teacher), son of late Satya narayan Mehta, resident of
mohalla - Bengali Tola, Ward No. 25, Forbesganj, Police Station - Forbesganj,
Dist. - Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

Mr. Raj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 11-09-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 22.03.2014 passed by the Chief Judicial Magistrate, Araria, in Forbesganj P.S. Case No.486 of 2013, by which the Court below has taken cognizance against the petitioner under Sections 341, 323, 353, 504 Indian Penal Code.

As per written report, this Court finds that there is specific allegation against this petitioner of entering into school, misbehaving with the Headmaster of the school and also giving threat of dire consequences. The Court below has taken cognizance under Section(s) 341, 323, 353, 504 Indian Penal Code.

Heard learned counsel for the petitioner and the learned



APP.

Counsel for the petitioner has submitted that the police after investigation had submitted Final Form, but the Court below after differing from Final Form has taken cognizance against the petitioner.

From the allegation in the written report itself, this Court finds that there is specific allegation of overt act alleged against this petitioner. Accordingly, there is *prima facie* case for taking cognizance against the petitioner. The Court below has mentioned in the impugned order that from perusal of the case diary *prima facie* case is made out against the petitioner for the offence under Section(s) 341, 323, 353, 504 Indian Penal Code.

Therefore, this Court does not find any illegality in the impugned order dated 22.03.2014 passed by the Chief Judicial Magistrate, Araria, in Forbesganj P.S. Case No.486 of 2013.

The application is, accordingly, dismissed.

The Court below is directed to proceed with the trial in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19-09-2017
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