

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.34980 of 2013**

Arising Out of PS.Case No. -353 Year- 2008 Thana -GANDHIMAIDAN District- PATNA

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1. Jangu @ Guru Charan Singh S/O Late Wazir Singh R/O Of 120/906  
Ranjit Nagar, Police Station- Nazirabad, District- Kanpur (Uttar Pradesh)

.... .... Petitioner/s

Versus

1. The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shamsher Singh Rekhi

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      31-01-2017      Heard the parties.

As the matter is old, as such to expedite the matter, the same is being taken up and being disposed of at the stage of admission itself.

The petitioner has challenged order dated 03.09.2011 passed by the C.J.M., Patna in Gandhi Maidan P.S.Case No.353 of 2008, by which cognizance has been taken against the petitioner under Sections 414, 122, 120B of the Indian Penal Code, 25 (1-b)a, 26 (ii), 35 Arms Act and 17/18 Unlawful Activities Prevention Act.

The prosecution story in short is that on 16.11.2008 the informant received an information that some persons were illegally negotiating for sale and purchase of fire arms and ammunition so the police raided at Gandhi Maidan at about 7.10



P.M. on 16.11.2008 and found at the west of the statue of Gandhi Jee, nine persons in suspicious condition, who disclosed that they had come to purchase fire arms from Sanjay Sharma on the dictates of Rang Nath Sharma @ Baba and several fire arms, mobile, two vehicles and huge amount of current notes i.e. Rs.5,19,900/- were seized from the Scorpio vehicle. The accused Sanjay Singh @ Mantu Sharma disclosed that he had purchased the fire arms from Ram Das Armory, Mestan Road, Kanpur to sell the same to Rangnath Sharma and others and the vehicle was also purchased from there and he used to do the business of sale of fire arms from the said vehicle and he had sold cartridges and Rifle to the persons of Garhwa and elsewhere.

It appears from perusal of the record that earlier charge-sheet had been submitted against this petitioner along with other accused persons but the investigation was kept pending against this petitioner, later on supplementary charge-sheet has also been submitted against this petitioner, which appears from Annexure-3 and on the basis of that, the learned C.J.M., Patna, vide order dated 3.9.2011, has taken cognizance against the petitioner also under Sections 414, 122, 120B of the Indian Penal Code, 25 (1-b)a, 26 (ii), 35 Arms Act and 17/18 Unlawful Activities Prevention Act.

The present application has been filed by the petitioner



challenging the above order taking cognizance.

It has been submitted on behalf of the petitioner that from perusal of the whole case diary, it appears that there is absolutely no material against the petitioner but in spite of that charge-sheet has been submitted against this petitioner. It is also submitted that so far confessional statement is concerned, that is not legal evidence, as such continuation of this proceeding is abuse of the process of this Court.

Heard learned A.P.P. also, who has drawn my attention towards Para 155 of the Case diary stating that the name of the petitioner also transpires and that shows his complicity in this case.

Having heard both sides. Perused the record as well as case diary, from which it appears that there are materials available in the case diary and evidently value of the same can not be tested at this stage. As such I am not inclined to interfere with the impugned order, however, the petitioner is at liberty to raise all these grievances at the time of framing of the charge, which shall be considered by the learned court below and dispose of the same by a speaking order.

With the above observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**



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