

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37580 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Chitranjan Prasad Singh S/O Late Jagdishwar Singh At Present Block Development Officer, Chandi, Resident Of Village- Somukar, P.S- Maner, District- Patna.
 2. Baleshwar Prasad S/O Dukhi Singh Resident Of Village+ P.S- Weina, District- Nalanda, At Present Panchayat Secretary, Gram Panchayat Raj, Rukhai, P.S- Chandi, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sangita Kumari W/O Sri Roshan Kumar Resident Of Village- Nawada, P.S- Chandi, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Adv
For the Opposite Party/s : Mr. Arvind Kumar, Adv
For the State : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date: 06-04-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 20.04.2013, passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda, in Chandi P.S. Case No. 113 of 2012, wherein cognizance has been taken against the petitioners under Sections 504, 506, 34 of the Indian Penal Code and 3(1)(X) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act.

In the instant case, notice was issued to the opposite party no. 2 vide order dated 10.09.2013 and on appearance of



opposite party no. 2, the case was directed to be listed at the top of the list.

The opposite party no. 2 has entered appearance through her lawyer by filing Vakalatnama.

The case was listed on 03.04.2017 and on the prayer made on behalf of the petitioners, the matter was adjourned for today.

Learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor are present. However, nobody is present on behalf of the petitioners.

From the records, it appears that on the basis of complaint filed by the complainant, the case was registered by the police after receiving the same under Section 156(3) Cr.P.C. The police, after investigation submitted the charge-sheet in this case. The Court below, on the basis of charge-sheet submitted by the police and the materials available in the case diary, found sufficient materials against the accused persons/petitioners and took cognizance for the offence under Sections 504, 506, 34 of the Indian Penal Code and 3(1)(X) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act.

Learned Additional Public Prosecutor, after going through the case diary has submitted that witnesses have supported



the allegation against the petitioners in the case diary during investigation and thereafter, charge-sheet has been submitted by the police against the petitioners.

In such circumstance, this Court does not find any illegality in the impugned order dated 20.04.2013, passed by the Additional Chief Judicial Magistrate, Hilsa, Nalanda, in Chandi P.S. Case No. 113 of 2012, wherein cognizance has been taken against the petitioners under Sections 504, 506, 34 of the Indian Penal Code and 3(1)(X) of the Scheduled Castes & Scheduled Tribes(Prevention of Atrocities) Act.

This quashing application is, accordingly, dismissed.

(Sanjay Priya, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	.../04/2017
Transmission Date	...04/2017

