

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21014 of 2014

Arising Out of PS.Case No. -247 Year- 2011 Thana -SAHPUR District- BHOJPUR

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Shiv Kumar Singh @ Shiv Babu @ Shivjee Yadav,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 22-02-2017

Heard.

2. This application, filed on behalf of the petitioner, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 22.02.2014 passed in Sahpur P.S. Case No.247/11 whereunder the learned Chief Judicial Magistrate, Ara has taken cognizance against the petitioner, on submission of the charge sheet, for the offence under Sections 420, 328, 379, 414 and 34 of Indian Penal Code.

3. On perusal of the impugned order it appears that the learned C.J.M., Ara, took cognizance for the offence under Sections 420, 328, 379, 414 and 34 of the I.P.C. against the accused petitioner on perusal of material available in the case diary and transferred the record to the court of Sri N. Dayal, Judicial Magistrate, 1st Class, for commitment to the court of



Sessions as earlier cognizance of the offence was taken in the case in respect to other accused and the record has already been transferred for commitment to the court of Sessions.

4. On going through the impugned order, I find no illegality therein amounting to abuse of the process of the court for interference with the same in an extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise his points, as raised herein, in the trial court at the appropriate Stage.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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