

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30952 of 2014

Arising out of P.S. Case No.20 Year 2013 Thana MUNGER COMPLAINT CASE District-
MUNGER

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Bhrigu Nandan Mishra @ Bhrgu Nandan Jha S/o late Kusheshwar Mishra resident
of village- Sanhauli, P.S.- Sangrampur, District- Munger

.... Petitioner

Versus

1. The State of Bihar
2. Most. Polo Devi Wife of late Upendra Sharma resident of village- Rajguru
Tarapur, P.S.- Tarapur, District- Munger

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Nishant Kumar Jha, Advocate
For the State	:	Mr. Upendra Kumar, APP
For O.P. No.2	:	Mr. S. Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 30-10-2017

This application has been filed under Section 482 Cr.P.C.
for quashing the order taking cognizance dated 11.02.2014, passed by
learned Judicial Magistrate, 1st Class, Munger in Complaint Case
No.20(C)/2013 thereby taking cognizance of offence under Sections
419, 465 and 34 of the Indian Penal Code.

2. The case of the complainant in brief is that one
Kabutari Devi impersonating the complainant sold her land to
Krishnadeo Mandal in conspiracy with rest other accused persons.

3. Learned counsel for the petitioner submits that the
petitioner is a practicing advocate, he only drafted the sale deed and
discharged his professional duty. He is not in any way concerned with
the conspiracy as he did not identify personally Polo Devi or Kabutari



Devi whereas learned counsel appearing on behalf of the complainant opposed the prayer by submitting that there is sufficient material for taking cognizance of the offence.

4. It appears that the sale deed has not been brought on record by the petitioner in order to show whether the petitioner was identifier or the witness of the sale deed, so the Court is not inclined to interfere with the cognizance order. The petitioner may raise this point at the appropriate stage for discharge from the case and may take the ground before the trial court in order to show that no case against the petitioner is made out even taking into account all the evidence referred to in Section 244 Cr.P.C.

5. With the aforesaid observation, the quashing application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.11.2017
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