

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39700 of 2013

Arising Out of PS.Case No. -43 Year- 2012 Thana -HISUA District- NAWADA

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Sanjay Kumar Chaudhary, S/O Sri Kameshwar Chaudhary, Resident of Village
Baliyari, P.S. Roh, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anant Kuamr Choudhary @ Jaldhari Choudhary.
3. Reshma Devi.
4. Prem Choudhary @ Ram Swaroop Choudhary.
5. Ram Khelawan Chaudhary.
6. Sharwan Choudahry.
7. Wife of Sharwan Choudahry.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 08-04-2017

Heard learned counsel for the petitioner and the
learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 01.02.2013 passed in Criminal Revision No. 02 of 2013, whereby the learned Sessions Judge, Nawada, dismissed the aforesaid criminal revision of informant-petitioner confirming the order dated 16.11.2012 passed in Hisua P.S. Case No. 43 of 2012/ G.R. No. 483 of 2012, whereunder the court of Chief Judicial Magistrate, Nawada, took cognizance of the offence, under Section 306 of the Indian Penal Code, on perusal of the materials available in the case diary.



3. Learned counsel for the petitioner submits that, in fact, on perusal of material available in the case diary, prima facie the case is made out under Section 302 of the Indian Penal Code but the learned Chief Judicial Magistrate, Nawada, took cognizance of the offence under Section 306 of the Indian Penal Code through the impugned order dated 16.11.2012 and the said order was challenged by the informant-petitioner through the Criminal Revision No. 02 of 2013 before the Sessions Judge, Nawada but the same was also dismissed.

4. On going through the impugned order dated 01.02.2013 passed in Criminal Revision No. 02 of 2013 and also the order dated 16.11.2012 passed in Hisua P.S. Case No. 43 of 2012/ G.R. No. 483 of 2012, I find no illegality amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioner would be at liberty to raise his defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

