

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39559 of 2013

Arising Out of PS.Case No. -114 Year- 2009 Thana -BARHARA District- BHOJPUR

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1. Shayam Babu Prasad.
 2. Nirmal Kumar @ Nirmal Kumar Sah.
 3. Vijay Kumar @ Vijay Kumar Saw.
 4. Kanhaiya Kumar @ Kanhiya Prasad.
 5. Uday Kumar @ Uday Sah.
 6. Shatrughan Prasad.
 7. Ashok Kumar @ Ashok Kumar Sah, all sons of Late Dewa Nath Prasad, all residents of village- Matukpur, P.S. Barhara, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Umesh Tripathi, Son of Late Bhudhar Tripathi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 08-04-2017

Heard learned counsel for the petitioners 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 29.10.2010 passed in Barahara P.S. Case No. 114 of 2009, G.R. No. 1433 of 2009, whereby the learned Chief Judicial Magistrate, Bhojpur at Ara, took cognizance of the offence, under Sections 147, 379 and 504 of the Indian Penal Code, against the accused-petitioner, on perusal of materials available in the case diary differing with the final form submitted by the Investigating Officer.



3. Learned counsel for the petitioner submits that, in fact, the Investigating Officer submitted final form with respect to accused-petitioner, arrived at conclusion that the dispute is of civil in nature but the learned Chief Judicial Magistrate, Bhojpur at Ara illegally took cognizance of the offence, under Sections 147, 379 and 504 of the Indian Penal Code, differing with the final form.

4. On going through the impugned order, 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 petitioners 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	10.04.2017
Transmission Date	10.04.2017

