

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33462 of 2015

Arising Out of PS.Case No. -206 Year- 2014 Thana -MANIYARI District- MUZAFFARPUR

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Laxmi Devi, wife of Dinesh Kumar, resident of Village- Mornisf, P.S.- Maniyari,
District- Muzaffarpur.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner:M/s. Ajay Kumar Thakur, Md. Imteyaz Ahamd & Amit Kumar,
Advocates.

For the State : Mr. Iftekhar Mohammad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 31-01-2017

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 04.07.2015 passed in Maniyari P.S. Case No.206 of 2014, whereby the court of the Sub Divisional Judicial Magistrate (West), Muzaffarpur, took the cognizance of the offence under Sections 420/34 of the Indian Penal Code, Section 7 of the Essential Commodities Act and Sections 63/65 of the Copyright Act against the accused Ramchandra Sah, Suresh Jha, Rampukar Rai and Laxmi Devi (petitioner).

3. Learned counsel appearing on behalf of the petitioner



submits that while the F.I.R. was lodged against the four accused including the petitioner but the police, on investigation, submitted the final form against the petitioner with the finding that the petitioner is innocent but submitted chargesheet against the rest accused, namely, Ramchandra Sah, Suresh Jha and Rampukar Rai but the learned Sub Divisional Judicial Magistrate (West), Muzaffarpur, without assigning any reason of differing with the opinion of the police, took the cognizance of the offence under Sections 420/34 of the Indian Penal Code, Section 7 of the Essential Commodities Act and Sections 63/65 of the Copyright Act against the petitioner also alongwith the other three F.I.R. named accused.

4. From perusal of the impugned order, it appears that the learned Sub Divisional Judicial Magistrate (West), Muzaffarpur, on going through the chargesheet submitted only against three accused, namely, Ramchandra Sah, Suresh Jha and Rampukar Rai, out of four accused, named in the F.I.R., and the case diary arrived at the conclusion that prima facie there is sufficient material against all the accused, shown in the column nos.11 and 12 and, accordingly, took the cognizance of the offence against all the four F.I.R. named accused including the petitioner under Sections 420/34 of the Indian Penal Code, Section 7 of the Essential Commodities Act and Sections 63/65 of the Copyright Act differing with the final form submitted by



the police against the petitioner. As such, I find no illegality in the impugned order 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 her grievance, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

P.S./-

AFR/NAFR	NAFR
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