

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47999 of 2013

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1. Ranjeet Kumar Pathak @ Ranjit Pathak S/O Bhagya Narain Pathak
Resident Of Village- Jujharpur, P.O.- Chaubey Ambara, P.S.- Saraiya,
District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Devendra Prasad Sah S/O Late Anantlal Sah Resident Of Village-
Jujharpur, P.O.- Chaubey Ambara, P.S.- Saraiya, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amish Kumar, Advocate
Mr. Prabhakar Thakur, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal(APP)
For the Opposite Party No.2: Mr. Anish Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 11-01-2017 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel for

Opposite Party No.2.

2. This application under Section 482 of the Cr.P.C. is
made against the order dated 27.09.2013, whereby and
whereunder the learned Judicial Magistrate, 1st Class-cum-
Additional Munsif, Hajipur, has found a prima facie case under
Sections 328 and 302 of the Indian Penal Code against the
petitioner in protest-cum-Complaint Case No.2471 of 2010.

3. The record reveals that initially Vaishali P.S. Case
No.39 of 2004 was registered under Sections 328/302 of the
Indian Penal Code against the petitioner on the fardbeyan of



Devendra Prasad Sah. The police submitted final form after investigation of the case not sending up the petitioner for trial. Thereafter on the basis of protest petition filed, in the case, by the informant, the court-below proceeded as aforesaid complaint case and passed the impugned order.

4. At the time of hearing learned counsel for the petitioner pointed out by filing supplementary affidavit that the petitioner has already been declared juvenile in this case by the learned Juvenile Justice Board, Vaishali at Hajipur, by order dated 31.07.2014. Hence, the impugned order passed by the regular criminal Court is infructuous. His submission is that as per requirement of the Juvenile Justice Act itself the inquiry against the petitioner requires to be expedited. The learned Juvenile Justice Board, Vaishali is directed to expedite the pending proceeding against the petitioner.

5. With the aforesaid observation, this application stands disposed of.

Mkr./-

(Birendra Kumar, J)

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