

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51662 of 2013

Arising Out of PS.Case No. -74 Year- 2004 Thana -FORBESGANJ District- ARRARIA

=====

Kanhaiya Jaiswal @ Khaniya Kumar, S/O Ashok Jaiswal, Resident of Forbesganj,
Shiva Mandir Chowk, P.S- Forbesganj, District- Araria.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

=====

Appearance :

For the Petitioner : Mr.

For the State : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 30-06-2017

Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 23.04.2012 passed in Farbesganj P.S. Case No.74 of 2004/G.R. No.363 of 2004, whereunder the court of the Chief Judicial Magistrate, Araria, took the cognizance of the offence under Section 414 of the Indian Penal Code against the accused-petitioner.

3. Learned counsel appearing on behalf of the petitioner submits that since the chargesheet has only been submitted against the petitioner under Section 414 of the Indian Penal Code and not under Section 379 of the Indian Penal Code, the impugned order taking cognizance of the offence under Section 414 of the Indian Penal Code



against the petitioner is bad in law.

4. From perusal of the impugned order, it appears that the learned Chief Judicial Magistrate, Araria, on the basis of the materials, available in the case diary, took the cognizance of the offence under Section 414 of the Indian Penal Code against the petitioner. As such, I find no illegality in the impugned order amounting to an abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise all the points, as raised herein, at the appropriate stage in the trial court.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

