

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54397 of 2013

Arising Out of PS.Case No. -155 Year- 2011 Thana -SARAI District- VAISHALI(HAJIPUR)

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Jhunhun Kumar, S/O Subodh Kumar, Resident of Village- Phulwaria, P.S.- Sarai,
District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar, S/O Radha Kant Singh, Resident of Village- Dharampur, P.S.- Sarai, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Ajay Kumar Thakur, advocate. Mr. Amit Kumar, Advocate. Mr. Ravi Ranjan, Advocate.
For the Opposite Party/s	:Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date: 10-07-2017

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 31.08.2013 passed in Sessions Case No. 423 of 2012, whereby the learned Adhoc Additional Sessions Judge-V, Vaishali at Hajipur, rejected the application dated 24.04.2013 of the accused-petitioner to remit the case to the court of Chief Judicial Magistrate, as on perusal of the materials available in the case diary and injury report, offence under 308 of the Indian Penal Code, which is exclusively triable by the court



of Sessions, is not made out. It appears that the learned Additional Sessions Judge V, Vaishali at Hajipur on perusal of the materials available in the case diary and the injury report arrived at conclusion that there is sufficient material to frame the charge under Sections 323, 308 and 504 of the Indian Penal Code and rejected the application dated 24.04.2013 of the petitioner.

3. On going through the impugned order, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

4. 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	12.07.2017
Transmission Date	12.07.2017

