

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29918 of 2013

Arising Out of Complaint Case No. -1389 Year- 2010 Thana -Jhajha District- JAMUI

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Satish Kumar S/o Late Basudeo Pandit, Senior Section Engineer (TRS), Memu Shed, E.C.R., Jhajha, Police Station Jhajha, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Birbal Yadav S/o Late Dhobi Yadav, Police Station- Jhajha, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Adv.,
M/s Suraj Nr. Yadav, Umesh Pd. and
Ms. Annu Shree, Advs.

For the Opposite Party/s : Mr. H. Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-10-2017

1. This criminal miscellaneous application under section 482 of the Code of Criminal Procedure has been filed to quash the order dated 29.04.2013 passed by the learned Judicial Magistrate 1st Class, Jamui in Complaint Case No. 1389 (C) of 2010 whereby and whereunder the learned Magistrate refused to discharge the petitioner from the offence in question.

2. Heard both sides and perused the record.

3. It appears that the opposite party no. 2 filed a complaint case No. 1389 of 2010 on the file of learned Chief Judicial Magistrate, Jamui alleging *inter alia* that after his retirement from Railway service on 31.01.2010, he approached the petitioner, who



was then posted in Railway Department, for getting his retiral benefit cleared. The petitioner for getting his retiral benefit cleared, demanded Rs.5,000/-, which was given in presence of witnesses and after 15 days, the complainant went to the petitioner and asked about his retiral benefit whereupon the petitioner allegedly abused, assaulted and snatched an amount of Rs.1,100/- from his pocket. The complainant in his solemn affirmation and other witnesses have supported the allegation made in the complaint petition. The learned Magistrate has refused to discharge the petitioner from the offence in question. The order of learned Magistrate is well discussed disclosing all the materials available against the petitioner for framing of charge. The defence of the petitioner cannot be taken into consideration at the stage of framing of charge.

4. In view of above discussion, I do not find any merit in this criminal miscellaneous application and the same is, accordingly, dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.11.2017
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