

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2037 of 2015

Arising Out of PS.Case No. -209 Year- 2012 Thana -PUPRI District- SITAMARHI

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Md. Rizwan, S/o Abdul Samad, Resident of village - Bargachhiya, P.S. - Pupri,
Dist. - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ishrat Khatoon, W/o Majibur Rahman, Resident of village - Bargachhiya, P.S. -
Pupri, Dist. - Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsel for the petitioner and the learned
counsel for the opposite party no. 2.

2. This application, under Section 482 of the Code of
Criminal Procedure, is directed against the order dated 12.05.2014
passed in Pupari P.S. Case No. 209 of 2012 (G.R. No. 823 of 2012),
whereby the learned Sub-Divisional Judicial Magistrate, Pupari,
Sitamarhi, took the cognizance of the offence, under Sections 147, 149,
341, 323, 308 and 504 of the Indian Penal Code, against six accused
named in Column No. 11 of the charge sheet and also against the
petitioner against whom final form was submitted by the Investigating
Officer.

3. Learned counsel for the petitioners submits that the



learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarh, without assigning any reason took the cognizance of the offence, under Sections 147, 149, 341, 323, 308 and 504 of the Indian Penal Code, against the accused-petitioner while Investigating Officer has submitted the final form against him submitting the charge sheet against the six accused only shown in Column No. 11 of the Charge Sheet.

4. On going through the impugned order, it appears that the learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarh, on perusal of material available in the case diary arrived at conclusion that there is sufficient material to frame the charge against the petitioner and took the cognizance against six accused persons named in Column No. 11 of the charge sheet and also against the petitioner. 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.

5. 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	
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