

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.16761 of 2014**

Arising Out of PS.Case No. -154 Year- 2010 Thana -NAWANGAR District- BUXAR

=====

Keshav Tiwari, son of late Ram Bachan Tiwari, resident of village - Sonvarsa, P.S.  
- Nawanagar (Sonvarsa O.P.), District - Buxar

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Prakash, son of Shiv Narayan Ram, r/o village Sonvarsa, P.S. & P.O.  
Nawanagar, Distt. Buxar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bipin Bihari Singh, Advoce.

For the Opposite Party No. 2 : Mr. Bipin Kumar Sinha, Advocate.

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 14-07-2017**

1. The petitioner has challenged the order dated 3.12.2013 passed by the learned Chief Judicial Magistrate, Buxar, by which he has taken cognizance against the petitioner in connection with Trial No. 1997 of 2014 arising out of Nawanagar P.S. Case No. 154 of 2010 for the offence under Sections 429, 467, 468, 471, 504 and 506 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. From the impugned order it appears that cognizance has been taken by the learned Magistrate after looking into the materials available in the case diary submitted along with the charge sheet.

4. The counsel for the petitioner has submitted that it is a matter of civil dispute. The informant has given money for interim relief.



5. The counsel for the opposite party No. 2 has submitted that trial has already begun and witnesses have also been examined. The informant is only required to be examined.

6. In such circumstances, since the trial has already begun and witnesses have also been examined in this case, except the informant, this Court does not find it a fit case, to quash the order of cognizance. Moreover, from the impugned order it appears that learned Magistrate has taken cognizance after looking into the material available in the case diary submitted by the police along with the charge sheet.

7. Therefore, this Court does not find any illegality in the impugned order.

8. This Criminal Miscellaneous Application is accordingly, dismissed.

9. The trial court is directed to proceed in the trial in accordance with law and make efforts to conclude the same as early as possible.

**(Sanjay Priya, J)**

S.Ali/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 10/08/2017 |
| Transmission Date | 10/08/2017 |

