

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39470 of 2014

Arising Out of PS.Case No. -439 Year- 2008 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Beer Bahadur Pandey, Son of Late Ramjanam Pandey
 2. Daya Shankar Pandey, Son of Late Sheopujan Pandey
- Both residents of village - Kathuan, Police Station - Kargahar District -
Rohtas. Petitioner/s

Versus

1. The State of Bihar.
 2. Sudama Tiwari, Son of Late Ramcheej Tiwari, Resident of Village –
Saraiyan, Police Station - Kochas, District - Rohtas. At present Resident
of Village - Kathuan, Police Station - Kargahar, District- Rohtas.
.... Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr. Sanjay Kr.Panday (App)
For Opp. Party No.2 : Mr. Siddharth Harsh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 25-08-2017 Despite repeated calls, no one appears on behalf of the petitioners. On the previous day also, no one appeared on behalf of the petitioners, let the court is left no option, but to pass final order on hearing the learned counsel for opposite party no.2 and on perusal of record.

The petitioners have filed this application for quashing the order dated 06.08.2012 passed by learned Sub-Divisional Judicial Magistrate, Rohtas in Complaint Case No. 439 of 2008, whereby the learned Magistrate took cognizance for the offence under Sections 467, 468, 471, 419 and 406 of the Indian Penal Code as well as for quashing the order dated 18.01.2013



passed by learned Sessions Judge, Rohtas in Cr. Revision No. 437 of 2012, whereby the petition filed by the petitioners has been dismissed.

In order dated 23.08.2017, it was made clear that if no one appears on behalf of the petitioners on 25.08.2017, the Court will look into the record and on consideration of submission of opposite party no.2 and State pass final order. Today, no one has appeared on behalf of the petitioners to assist the Court.

Counsel for State and opposite party no.2, are present.

Counsel for opposite party no.2 and State oppose the petition saying that this is not a case where the Court should exercise jurisdiction under Section 482 of the Cr.P.C., as from the totality of the facts situation, there are materials to proceed against the petitioners and as such the Court should not interfere at this stage to scuttle the trial.

Having heard the counsel for the opposite party no.2 and State and considering the materials available on record, I am of the view that the Court below has not committed any error in exercising the jurisdiction in taking cognizance. This Court is also convinced that the revisional court has also not committed any error in rejecting the application filed by the petitioners.



Accordingly, this application stands dismissed.

However, liberty shall be available to the petitioners to make all submissions as would be available under law before the court below at appropriate stage.

(Anil Kumar Upadhyay, J)

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