

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16968 of 2014

Arising Out of PS.Case No. -536 Year- 2011 Thana -ARARIA District- ARRARIA

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Amarnath Mishra, son of late Madhukant Mishra, r/o Araria, Ward No. 10, P.S. & District Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjit Kumar Mishra, S/o Sri Devanand Mishra, r/o Araria, Ward No. 10, P.S. & District Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 17-07-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 31.8.2013 passed by the learned Judicial Magistrate, 1st Class, Araria, in Araria P.S. Case No. 536 of 2011 corresponding to G.R. No. 2528 of 2011 by which the learned Magistrate took cognizance for the offences under Sections 418, 420, 384, 506 and 120(B) of the Indian Penal Code.

2. Heard learned counsel for the petitioners and State.

3. Notice was issued to the opposite party No. 2 but he has chosen not to appear before this Court despite valid service of notice.

4. From the impugned order it appears that learned



Magistrate after submission of charge sheet by the police, took cognizance against the petitioner for the offence under Section 418, 420, 384, 506 and 120B of the Indian Penal code on the basis of materials available in the case diary and allegation made in the written report.

5. The court below is only required to see the prima facie case at the time of taking cognizance on the basis of allegation in the written report and the materials available in the case diary.

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

7. This Criminal Miscellaneous application is disposed off with a direction to the petitioner to raise all the points as raised in this Criminal Miscellaneous application in the court below at the time of framing of charge which shall be considered/disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/07/2017
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