

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19362 of 2014

Arising Out of PS.Case No. -350 Year- 2011 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Panalal Singh @ Pannalal Singh Son of late Sheoji Singh R/O village -
Mathlohiyar, P.S. Harsidhi, Distt. East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 29-06-2017 The petitioner challenges the order taking cognizance dated 05.12.2013, passed by learned Chief Judicial Magistrate, Motihari in Hajipur P.S. Case No.350 of 2011 wherein cognizance has been taken under Sections 341/323/379/504/34 of the Indian Penal Code and Sections 3 (i) (ii) (x) (14) of the S.C. & S.T. Prevention of Atrocities on Harijans Act.

Learned counsel for the petitioner submits that the facts stated in the First Information Report do not constitute any of the offence under which cognizance has been taken. Moreover, relating to the same occurrence the informant had submitted a petition before the local police and on that basis the police recommended for initiating a proceeding under Section 107 Cr.P.C. against both sides and this First Information Report was lodged after a lapse of 19 days of the alleged occurrence.



The learned Additional Public Prosecutor submits that there is no illegality in the impugned order. The police after investigation collected the evidence against the petitioner and has submitted charge sheet.

Having considered the submissions of both sides, I find that alleged facts stated in the written report on which First Information Report has been registered do make out a prima facie case of the offence under which cognizance has been taken. Initiation of the proceeding under Section 107 Cr.P.C. between the parties and delay in lodging the First Information Report cannot be a ground for interfering with the order of cognizance.

In the result, the quashing petition is dismissed.

(Arun Kumar, J.)

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