

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40200 of 2013

Arising Out of PS.Case No. -36 Year- 2012 Thana -NAWANGAR District- BUXAR

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Surendra Jha S/O Vishwanath Jha Resident Of Village+ P.O- Rupauli, P.S-
Mughari Dharari, District-Samastipur, At Present Posted As Teacher
Jawahar Navodaya Vidyalaya, Navanagar, Buxar.

.... Petitioner

Versus

1. The State Of Bihar
2. Upendra Narayan Singh S/O Late Ramanand Singh Resident Of
Village- Bawanpur, P.S- Muffasil, District- Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.
For the Opposite Parties : Mr. Uma Nath Mishra (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 11-04-2017 This Criminal Miscellaneous has been filed for
quashing the order dated 26.06.2013 passed by the Judicial
Magistrate 1st Class, Buxar in Navanagar P.S. Case No. 36 of
2012, whereby and whereunder, the learned Magistrate has taken
cognizance under sections 467, 468, 471 and 420 of the I.P.C.
against the petitioner.

Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

Perused the order taking cognizance dated
26.06.2013. The order dated 26.06.2013 has been written by some
one else and the learned Magistrate has written only the word



“संज्ञान” and further “S.K. Chaubey, J.M”. This goes to show that the learned Magistrate has not applied his judicial mind and in the routine manner has passed the order. Passing of such type of order has been deprecated several times by this Court. It is apparent that the learned Magistrate without applying his judicial mind has taken cognizance and as such the impugned order dated 26.06.2013 is hereby set aside and the matter is remitted back for passing afresh order in accordance with law.

In the result, this Criminal Miscellaneous is hereby allowed.

(Jitendra Mohan Sharma, J)

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