

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15112 of 2013

Arising Out of PS.Case No. -50 Year- 2009 Thana -ASHOK PAPER MILL District- DARBHANGA
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Parmeshwar Lal Das S/O Late Bhup Narain Das Resident Of Village And
P.O.- Kahua, P.S.- Biroul, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Md. Sadul Hassan Khan S/O Late Wasiul Hassan Khan Resident Of
Village And P.O.- Motipur Via Rosera, District- Samastipur, At Present
Working As Block Development Officer, Hayaghat, Darbhanga

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Kauleshwar Chaudhary

For the Opposite Party/s : Mr.Matloob Rab, A.P.P.
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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 28-02-2017

Heard.

2. This application, filed on behalf of the
petitioners, under Section 482 of the Code of Criminal Procedure,
is directed against the order dated 28.01.2013 passed by the
learned 1st Additional Sessions Judge, Darbhanga, in Cr.Revision
No.350 of 2012 by which he, dismissing the Cr.Revision, has
affirmed the order dated 04.06.2012 passed by the Chief Judicial
Magistrate, Darbhanga, whereunder he took cognizance for the
offence under Sections 385 and 166 against the petitioner, on
perusal of the case diary and materials available on the record.



3. Learned counsel appearing on behalf of the petitioner submits that from perusal of the F.I.R. offence under Sections 385 and 166 of the I.P.C. is not made out but the learned Chief Judicial Magistrate illegally took cognizance of the offence under Sections 385 and 166 of the I.P.C. against the petitioner.

4. On going through the impugned order, I find no illegality therein amounting to abuse of the process of the court for interference with the same in an extraordinary jurisdiction under Section 482 of the Code of Criminal Procedure of this Court.

5. Accordingly, this application stands dismissed. However, the petitioner would be at liberty to raise his grievance, as raised herein, in the trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

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