

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.114 of 2017

=====

Madan Thakur

.... Petitioner/s

Versus

The State of Bihar Through Superintendent of Police, Munger, District-munger & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay

For the Respondent/s : Mr. Md. Nadeem Seraj (Gp-5)

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 22-08-2017

The petitioner is the informant of Colony P.S. Case no. 39 of 2016 in the district of Munger. The aforesaid case was registered for the offences under Sections 323, 341, 380, 385, 427, 447, 506, 34 of the Indian Penal Code (Annexure 1). After investigation of the case, the police submitted charge sheet for the offences under Sections 323, 341, 380, 411, 385, 427, 506, 34 of the Indian Penal Code, vide Annexure- 7. The learned court below has not taken cognizance under Sections 411 and 380 of the Indian Penal Code, vide order dated 07.09.2016 (Annexure 8).

The petitioner has filed this writ application for a direction to the learned court below to take cognizance for the offences under Sections 411 and 380 of the Indian Penal Code also as there is sufficient material in the case diary regarding commission of theft and recovery of stolen property from the possession of the accused persons.



Heard the parties.

The petitioner is at liberty to raise this point at the time of hearing on charge and the learned court below shall pass a reasoned order considering the materials available on the record whether charges under Sections 411 and 380 IPC are made out or not ?

With the aforesaid observation and direction, this writ application stands disposed of.

(Birendra Kumar, J)

singh/-

U			
---	--	--	--

