

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30376 of 2014

Arising Out of PS.Case No. -149 Year- 2012 Thana -PAROO District- MUZAFFARPUR

- =====
1. Chandeshwar Singh @ Chandeshwar Prasad Singh S/o Prem Lal Singh (Shop keeper of P.D.S)
 2. Sanjeet Kumar @ Sanjeet Singh S/o Chandeshwar Singh @ Chandeshwar Prasad Singh
 3. Bhageran Singh S/o Bindeshwar Singh
- All r/o village- Keshopur, Babhangaw, P.S.- Paru, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 10-07-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 30.04.2014 passed by the learned Sessions Judge, Muzaffarpur in Criminal Revision No. 43 of 2014 whereby and whereunder the Sessions Judge refused to set the aside the order dated 02.12.2013 passed by S.D.J.M., (West), Muzaffarpur taking cognizance in connection with G.R. No. 1731 of 2012 arising out of Paru P.S. Case No. 149 of 2012.

2. The facts in brief is that a police case vide Paru P.S. Case No. 149 of 2012 was registered against these petitioners for



the offence under Sections 341, 342, 323, 504/34 of the Indian Penal Code and Sections 3 (I)(X) of the S.C. & S.T. (Prevention of Atrocities) Act. After investigation, police submitted charge-sheet under the aforesaid sections, but the learned Magistrate took cognizance only for the offence under Sections 341, 342, 323 and 504/34 of the Indian Penal Code. The informant filed a Criminal Revision No. 43 of 2014 praying therein to quash the said order and sought direction to S.D.J.M. to take cognizance also for the offence committed under SC /ST Act. The learned Sessions Judge allowed the revision and directed the S.D.J.M. to pass order afresh.

3. The learned counsel for the petitioners submits that from the allegation, no offence under the provision of SC / ST Act is made out. The learned Sessions Judge had dismissed the revision without applying judicial mind and so, the same is fit to be quashed.

4. The learned Special Public Prosecutor, on the other hand, opposed the submissions. It was submitted that as the matter has been directed to be re-examined and so, there is no illegality in the impugned order and this Criminal Miscellaneous Application is fit to be dismissed.

5. On perusal of the order of learned Sessions Judge, I find that the learned Sessions Judge after going through the material available on record observed that the learned S.D.J.M. has not



passed the impugned order by going through the materials available in the case diary. The order directing S.D.J.M. to reassess the material on record and pass order afresh does not suffer any illegality as the petitioners are not prejudiced at this stage. I do not find any illegality in the impugned order.

6. In view of the submissions made above, I do not find any merit in the application. The Criminal Miscellaneous Application is, therefore, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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