

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33451 of 2014

Arising Out of PS.Case No. -86 Year- 2012 Thana -AGAMKUAN District- PATNA

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Anju Kumari @ Anju Kumar, Wife of Late Shailesh Kumar, Resident of Maharaja Kameshwar Complexs Dakbunglow Road, P.S.-Kotwali, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Dudh Nath Singh, Advocate. Ms. Babita Kumari, Advocate. Mr. Shashank Shekhar, Advocate.
For the Opposite Party No.2	:	Mr. Sunil Kumar, Advocate.
For the State	:	Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 29-08-2017

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

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 23.01.2014 passed in Agamkuan P.S. Case No. 86 of 2012/G.R. No. 681 of 2012, whereby the learned Judicial Magistrate Ist Class, Patnacity, Patna, framed the charge for the offence, under Sections 448, 323, 379 and 506/34 of the Indian Penal Code, against the accused-petitioner.

3. Learned counsel for the petitioner submits that due to filing of Title Suit No. 142 of 2011 by the accused-petitioner



against Sanrakchita Kumari, sister-in-law of the informant-opposite party no. 2, Agamkuan P.S. Case No. 86 of 2012 was instituted with false allegation, in which, after submitting the charge sheet and taking cognizance of the offence, the learned Judicial Magistrate Ist Class, Patnacity, Patna, illegally framed the charge for the offence, under Sections 448, 323, 379 and 506/34 of the Indian Penal Code through the impugned order.

4. On going through the impugned order, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application is dismissed. However, the petitioner would be at liberty to raise her defence/points in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2017
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