

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34385 of 2014

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1. Prabhat Kumar son of Ram Pukar Thakur ,
 2. Shobha Kumari wife of Ram Pukar Thakur
 3. Prashant Kumar @ Monu son of Ram Pukar Thakur ,
 4. Ram Pukar Thakur , son of Late Ram Lakhan Thakur All Resident of Village - Hasanpur Jitwarpur , Police Station - Mufassil , District - Samastipur .
 5. Dev Narayan Mahto son of Ram Bilas Mahto Resident of Village - Purshotam Tendha , Police Station - Ilmas Nagar , District - Samastipur , At present R/o as a Tenant in the house of Ram Pukar Thakur within Hasanpur Jitwarpur , Police Station - Mufassil , District - Samastipur .

.... Petitioners

Versus

1. The State of Bihar
2. Sumani Devi @ Sukani Devi wife of Late Balram Sharma , Resident of Village + Police Station - Wath , District - Bhagalpur . At presently residing at Mohalla - Pandapur , P.S .- Laheria Sarai . District - Darbhanga .

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Rana Sanjay Kumar Singh, Advocate
For the Opposite Party No.2 : Mr. Kaushalesh Choudhary, Advocate
For the State : Dr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard.

2. This criminal miscellaneous has been filed to quash the order dated 28.11.2012 passed by learned Judicial Magistrate, Ist class, at Darbhanga in Complaint Case No.921 of 2012 (Trial No.3098 of 2014) whereunder the Magistrate finding prima-facie case for the offence under sections 147, 323 and 379 of the IPC summoned all the petitioners.

3. It has been submitted that the court below has framed charges against the petitioners after filing the quashing application. The charges were framed in the month of May, 2016 and till the date not a single witness has been



examined. The learned counsel for the Opposite Party No.2 concedes the submission of learned counsel for the petitioners to this effect that the charges have been framed.

4. On perusal of complaint petition and materials available on record, I find that the learned Magistrate took cognizance and on the basis of material on record framed charges. In changed circumstance, I am not inclined to quash the impugned order under the inherent jurisdiction under section 482 of the Cr.P.C.

5. This criminal miscellaneous is, therefore, dismissed. The court below is however directed to expedite the trial without giving unnecessary adjournment.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

