

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46446 of 2014

Arising Out of PS.Case No. -234 Year- 2004 Thana -KHARAGPUR District- MUNGER

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Ashok Kumar Jha S/o Balmiki Jha R/o Village - Malchak, P.S. - Harpur,
District - Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. D.N. Jha, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

It appears from Annexure-3, which is an order dated 05.08.2014, passed by learned Judicial Magistrate, 1st Class, Munger, in G.R. No. 1669/2004, that the application of the petitioner under Section 239 Cr.P.C. has been rejected as the learned Magistrate has come to a conclusion that he does not find any reasonable ground to discharge the accused. The petitioner has not assailed the order dated 05.08.2014. He has chosen to assail the order taking cognizance dated 02.07.2005 by which the learned Judicial Magistrate, 1st Class Munger took cognizance in Kharagpur P.S. Case No. 234/2004 after



submission of charge-sheet and summon was issued against the petitioner.

Once the Magistrate has rejected the application under Section 239 Cr.P.C., instead of challenging the said order petitioner has challenged the order taking cognizance which is misconceived.

This application is, therefore, dismissed.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2017
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