

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38466 of 2013

Arising Out of PS.Case No. -163 Year- 2012 Thana -BUXAR District- BUXAR

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Kumar Kranti S/O Sri Hari Narayan Prasad Presently Residing At 16, West
Anandpuri, Boring Canal Road, P.S- Sri Krishnapuri, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 12-07-2017

Heard Sri Devendra Prasad Sinha, learned Senior
Counsel for the petitioner, and learned A.P.P. for the State.

The petitioner in the present case is seeking quashing of
the order taking cognizance dated 12.07.2013 passed by the learned
Chief Judicial Magistrate in connection with Buxar (Town) P.S. Case
No. 163/2012 under Sections 409 and 420 of the Indian Penal Code.

Learned Senior Counsel while fully understanding the
impact of the order passed by this Court in Cr. Misc. No. 46148/2013,
which is listed side by side, attempted to draw a distinction between
the two cases. The Senior Counsel submitted that a mischief has been
played in the case of the present petitioner inasmuch as a perusal of
the final form would show that the police did not find the case true
against the Senior Branch Manager and only three accused, namely,
(1) Nandlal @ Nandlal Ji, (2) Vivek Kumar Shrivastava and (3)



Chandan Kumar were charge sheeted vide Chargesheet No. 362/2013, however, while taking cognizance the learned Chief Judicial Magistrate has wrongly stated that the Investigating Officer has submitted a charge sheet against those three accused along with the then Branch Manager. At first instance, the learned Chief Judicial Magistrate has clearly stated that the charge sheet has been filed against three accused but later on he has named four persons, one of whom is the present petitioner.

The submission of the learned Senior Counsel seems to have some force and would be required to be considered by the learned Magistrate at the time of framing of charge. To that extent the case of the present petitioner stands distinguished. The learned Magistrate shall take a view on the contention raised by the learned Senior Counsel in the present case and shall pass an appropriate order on the petition of discharge, if any, filed on behalf of the present petitioner.

The application stands disposed of with the above observations.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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