

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.2750 of 2015**

Arising Out of PS.Case No. -24 Year- 2013 Thana -SC ST P.S. District- SIWAN

- =====
1. Sunil Pandey, Son of Shatrughan Pandey.
  2. Shatrughan Pandey, Son of Lakshman Pandey.
  3. Bisheshwar Dubey @ Bisheshwar Upadhyay @ Bisheshwar Mishra, Son of Late Vidyarthi Mishra.  
All Resident of Mohalla-Shanti Nagar, Panch Mandira, Ward No.-6, P.S-Siwan Town,District.-Siwan

.... .... Petitioners.

Versus

1. The State of Bihar.
2. Bijay Kumar, Son of Mohan Lal Das, Resident of Mohalla-Shanti Nagar, Panch Mandira,Ward No.-6, P.S-Siwan Town, District-Siwan

.... .... Opposite Parties.

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**Appearance :**

For the Petitioners : Mr.

For the State : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL JUDGMENT**

**Date: 18-07-2017**

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Heard.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 05.08.2014 passed in Siwan S.C./S.T. P.S. Case No.24 of 2013, by the court of the Chief Judicial Magistrate, Siwan, taking cognizance of the offence under Sections 341, 323, 504 and 509/34 of the Indian Penal Code and Sections 3(I)(X)(XV) of the S.C./S.T. (POA) Act, differing with the final form submitted by the Investigating Officer, in respect of the accused-petitioners.

3. Learned counsel appearing on behalf of the petitioners submits that earlier, the informant/opposite party no.2 filed an application



before the S.D.M., Siwan, who sent the application of the informant/opposite party no.2 for enquiry to the concerned police station. The police station submitted the report showing the land dispute and, thereafter, the informant/opposite party no.2 lodged Siwan S.C./S.T. P.S. Case No.24 of 2013 on 15.08.2013 under Sections 341, 323, 504 and 509/34 of the Indian Penal Code and Sections 3(I)(X)(XV) of the S.C./S.T. (POA) Act. On investigation, the Investing Officer submitted the final form arriving at the conclusion that the dispute between the parties is of civil in nature but the Chief Judicial Magistrate, Siwan, differing with the final form submitted by the I.O., took the cognizance of the offence against the accused-petitioners under the aforesaid Sections.

4. On going through the impugned order, I find no illegality therein amounting to abuse of the process of the court for interference with the same in an extraordinary jurisdiction of this Court under Section 482 of the Code of Criminal Procedure.

5. Accordingly, this application stands dismissed. However, the petitioners would be at liberty to raise their points, as raised herein, at the appropriate stage in the trial court.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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