

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11366 of 2017

Arising Out of PS.Case No. -201 Year- 2016 Thana -PATNA GRP CASE District- PATNA

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Sarvan Kumar Son of Udit Narain Singh Resident of Village- Bajra Police
Station Hisua, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2017 Heard learned counsel for the petitioner and the

State.

The present application has been filed for quashing
of the order dated 06.09.2016 passed by the learned Railway
Judicial Magistrate, Patna, in G.R.P. Patna P.S. Case No.201 of
2016, whereby the process has been directed to be issued after
cognizance being taken under section 273 of the Indian Penal
Code and section 47 of the Bihar Excise (Amendment) Act,2016.

Considering the rival submissions of the parties, this
Court is of the view that at the level of Section 190(1)(a) of the
Cr. P.C., the Court has only to apply its judicial mind for the
purposes of taking cognizance and not to verify the veracity of
accusation or to weigh evidence collected during investigation as



to whether the evidence on record will lead to the conviction of the accused persons or not. This is not in dispute that on conclusion of investigation, Final Report (charge-sheet) has been submitted against the persons and the learned Magistrate after due application of judicial mind has agreed with the Final Form (charge-sheet) and has found the *prima facie* case.

Moreover the case was registered on 31.07.2016 but there is nothing on record to suggest the present stage of the case. Hence, this Court is not inclined to interfere into the matter.

Accordingly the application is disposed of with liberty to the petitioner to raise all the contentions at the time of framing of the charges, if the same has not been framed as yet.

(Dinesh Kumar Singh, J)

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