

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21352 of 2014**

Arising Out of PS.Case No. -211 Year- 2013 Thana -BETTIAH CITY District-  
WESTCHAMPARAN(BETTIAH)

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Kishori Lal Jaiswal Son of Late Ramlal Sah Resident of Mohalla- Kalibag,  
P.S- Bettiah (T), District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Asharfi Lal Jaiswal Son of Late Ramlal Jaiswal
3. Ashok Kumar Jaiswal Son of Late Ramlal Jaiswal null
4. Anup Kumar Jaiswal Son of Late Ramalal Jaiswal
5. Hasla Kumar @ Pappu son of Asharfi Lal Jaiswal
6. Kaushal Kumar @ Bablu Son of Asharfi Lal Jaiswal
7. Jitendra Kumar son of Ashok Kumar Jaiswal
8. Uday Kumar Son of Ashok Kumar Jaiswal
9. Atul Kumar Son of Anup Kumar Jaiswal
10. Abhay Kumar son of Anup Kumar Jaiswal, All resident of Mohalla  
Kalibag, P.S- Bettiah (T), District- West Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Aditya Nath Jha, Advocate  
For the Opposite Parties : Mr. Mayanand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      21-06-2017                      Heard the parties.

The present quashing petition under Section 482 of the Code of Criminal Procedure has been filed by the petitioner against the order dated 04.03.2014 passed by the learned Chief Judicial Magistrate, Bettiah, in Bettiah Town P.S. Case no. 211 of 2013 (G.R. no. 1345 of 2013) whereby and whereunder the learned court below has taken cognizance under Sections 143, 323, 341 and 504 of the Indian Penal Code.

The complainant is aggrieved by the order taking



cognizance in which cognizance has not been taken under Sections 307 and 379 of the Indian Penal Code although there were materials before the court for taking cognizance under such Sections.

The informant had lodged the FIR in Bettiah Town P.S. Case no. 211 of 2013 under Sections 143, 341, 323, 307, 379 and 504 of the Indian Penal Code. However, after investigation the police has submitted chargesheet under Sections 143, 323, 341 and 504 of the Indian Penal Code. On the basis of materials available on record and after perusing the case diary the court below has taken cognizance under Sections 143, 323, 341 and 504 of the Indian Penal Code. Moreover, learned court below is empowered to alter or add charge at any stage during trial.

In that view of the matter, this Court does not find any irregularity or illegality in the order impugned passed by the court below as the same is passed on the basis of materials available on record and after perusing the case diary. As such, the order impugned does not require any interference by this Court.

Accordingly, this quashing application is dismissed.

**(S. Kumar, J)**

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