

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20767 of 2011

Arising Out of Complaint Case No. 503-C Year- 2009 District- ARRARIA

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1. Md. Tauheed son of late Wajid Ali
 2. Md. Asif, son of Md. Tauheed
 3. Md. Wasuque son of Md. Tauheed
 4. Md. Rashid son of Md. Tauheed

All residents of village- Lahtora, police station- Araria, District- Araria.

.... Petitioners

Versus

1. The State of Bihar
2. Bakar Ali son of late Basiruddin resident of village- Lahtora, Police Station- Araria, District- Araria.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
Mr. S. K. Lal, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioners and learned counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners seeking quashing of the order dated 21.05.2011 passed in Sessions Trial No. 603 of 2010, arising out of Complaint Case No. 503-C of 2009 by the learned 1st Additional Sessions Judge, Araria whereby the application under Section 227 of the Code of Criminal Procedure for discharge filed by the petitioners has been rejected.

3. After some arguments, learned counsel for the petitioners submitted that he would confine his prayer in the present application to the extent that if the petitioners file an



application under Section 228(1)(a) of the Code of Criminal Procedure, the same shall be entertained and disposed of by the trial court without being prejudiced in any manner by the impugned order dated 21.05.2011.

4. Learned counsel for the State submitted that if the learned counsel for the petitioners has confined his prayer to the above extent, the State has no objection to it.

5. Having heard the parties, the application is disposed of with a direction to the trial court that if an application is filed on behalf of the petitioners under Section 228(1)(a) of the Code of Criminal Procedure contending therein that the offence alleged is triable by the Magistrate and not by court of session, the same shall be entertained on merit without being prejudiced in any manner by any earlier order passed by the trial court.

6. Registry is directed to remit the lower court record to the court below forthwith.

(Ashwani Kumar Singh, J)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2017
Transmission Date	21.11.2017

