

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34044 of 2014

Arising Out of PS.Case No. -933 Year- 2011 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Jubair Shekh Son of Faijdar Shekh
2. Faijdar Son of Irail Shekh
3. Kurban Shekh Son of Berahim Shekh
4. Farman Shekh Son of Berahim Shekh
5. Alam Shekh Son of Farman Shekh
6. Shekh Naim Son of Sandil Shekh
7. Shekh Nasrul Son of Md. Naim
8. Jahirul Shekh Son of Shekh Naim
9. Bhikhari Shekh Son of Gafur
10. Sadrul Khatoon Wife of Md. Jubair
11. Hamida Khatoon Daughter of Jubir Shekh
12. Dukhiya Khatoon Wife of Shekh Naim
13. Nasima Khatoon Daughter of Shekh Farman
14. Amana Khatoon Wife of Murban Shekh
15. Raushan Khatoon Wife of Farman Shekh
16. Shakila Khatoon Wife of Aalam Skekh
17. Roksana Khatoon Wife of Nasirul
18. Amna Khatoon Wife of Khobhari Shekh
19. Amna Khatoon Wife of Shekh Bhikhari

All Resident of Village - Rajwara, P.S.- Bela, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Musmat Sadra Khatoon Wife of Late Maruk Shekh Resident of Village - Chandi Rajbara, P.S.- Bela District - Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur
For the Opposite Party/s	:	Mr. Sanjay Kumar
For the State	:	Mr. Humayu Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 02.11.2013 passed by the learned Judicial Magistrate, 1st Class, Sitamarhi in Complaint Case No. 933 of 2011 and order dated 03.04.2014 passed by the learned Sessions Judge, Sitamarhi in Criminal Revision No. 160 of 2013.



2. Heard both sides and perused the record.

3. It appears that the Opposite Party No. 2 filed a complaint case on the file of C.J.M. alleging inter alia that on the date of occurrence, all the petitioners came at the house of the complainant and assaulted her and her father and took an amount of Rs. 50,000/- from the pocket of her father. They took boxes from her house containing articles worth Rs. 50,000/-. The complainant on S.A. and other witnesses supported the allegation of theft and assault at the time of enquiry. The court below took cognizance against the petitioners for the offence under Sections 328 and 380 of the Indian Penal Code. The said order was challenged by filing of Criminal Revision No. 160 of 2013, which after hearing was dismissed on 03.04.2014. So far the offence under Section 328 of the Indian Penal Code is concern, I find that there is no material constituting the offence under Section 328 of the Indian Penal Code. The petitioners will have opportunity to raise their point at the time of framing of charge.

4. This application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
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