

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20124 of 2014

Arising Out of P.S.Case No. -110 Year- 2012 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sheikh Kamre Alam
 2. Sheikh Shamse Alam @ Shamse Alam Both S/o Sheikh Hasmuddin, resident of Village Adhkaparia, Police Station Ramgarhwa, District East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Khatim Reza, Advocate.

For the Opposite Party : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 21-09-2017

This criminal miscellaneous application under Section 482 of the Cr.P.C. has been filed to quash the order dated 07.02.2014 passed by learned Sessions Judge, East Champaran at Motihari in Criminal Revision No.13 of 2014 whereby and whereunder the revision was dismissed as time-barred. The petitioner had filed the said revision for setting aside the order dated 20.06.2013 passed by learned SDJM, Raxaul at Motihari in Ramgarhwa P.S.Case No.110 of 2012. The learned Magistrate had taken cognizance for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 427 and 504 of the IPC against the petitioners.

2. Heard and perused the record.

3. A police case was registered on the basis of written report of the informant Tanwer Ahmad against six named and 4-5 unknown. In FIR, it has been alleged that on the date of occurrence all



the accused persons assaulted the informant by means of lathi, farsa with intention to kill him. After investigation, police submitted charge-sheet against two accused persons under Sections 147, 148, 149, 341, 323, 324, 307, 427 and 504 of the IPC and exonerated these two petitioners. The learned Magistrate however took cognizance against all the four charge sheeted accused persons as per order dated 20.06.2013. The said order was challenged before Sessions Judge but it was dismissed.

4. On perusal of FIR and impugned order, I find that these petitioners are named in the FIR with specific allegation that they were also the members of unlawful assembly armed with deadly weapon and on the date of occurrence they assaulted the informant. The learned Magistrate after perusing the case diary has taken cognizance against these petitioners.

5. In view of the materials available on record, I do not find any merit in the criminal miscellaneous application. The order passed by courts below are well reasoned and these do not require any interference.

6. This application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

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