

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21160 of 2014

Arising Out of PS.Case No. -4099 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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Jitendra Kumar Yadav & Anr.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Bharat Bhushan (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 23-08-2017 Despite repeated calls, no one appears on behalf of the petitioners. On 17.08.2017 the case was adjourned for further hearing today. Even today, no one appeared on behalf of the petitioners to assist the court. On the last occasion while passing order dated 17.8.2017, this court has occasioned to peruse the record of the case. The court indicated in the order dated 17.8.2017 that from perusal of the complaint petition, it appears that the case is made out against the petitioners and as such prima facie, the court was of the view that there was no error in the order taking cognizance, warranting interference in exercise of jurisdiction under section 482 of the Cr.P.C. The court also indicated that the documents enclosed with the petition are the materials in the nature of defence which cannot be looked into in exercise of the jurisdiction under section 482 of the Cr.P.C. Today no one appears on behalf of the petitioners to make any



submission to improve the case.

Having heard counsel for the State and on perusal of the record, the court is of the considered view that it is not a fit case warranting interference in exercise of jurisdiction under section 482 Cr.P.C.

The Apex Court time and again reminded that jurisdiction under section 482 Cr.P.C. should be exercised sparingly and court should not interfere in matters to scuttle the trial, if there are materials available in the complaint petition for order taking cognizance, the court exercising discretion under section 482 Cr.P.C. is not suppose to interfere with the judicial discretion exercised by the court below. In the totality of facts situation, this court is not inclined to exercise jurisdiction under section 482 Cr.P.C.

The application is accordingly dismissed. However, liberty shall be available to the petitioners to place all the materials in their defence in the court below at appropriate stage, the court below in such situation will decide the case without being prejudiced by the order of dismissal of this case.

(Anil Kumar Upadhyay, J)

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