

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37396 of 2013

Arising Out of PS.Case No. -1482 Year- 2008 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Anup Kumar Sinha Son Of Lae Pradhan Sidhnath Prasad, Resident Of B-37
Amrawati Apartment, P.S. - Kotwali, District - Patna, At Present, Residennt Of Z-4
New Punichak, P.S. - Shastri Nagar. District - Patna

.... Petitioner/s

Versus

1. State Of Bihar
2. Master Rohit Son Of Sri Ram Chandra Chaupal Resident Of Village Sakarpura,
Post- Andah Via Pandaul, Ps- Pandaul, District - Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 04-04-2017

The present petition has been filed for quashing the order
dated 07-03-2013 passed by the learned Chief Judicial Magistrate,
Patna in Case No. 1482 (C/2) of 2008, by which and whereunder, the
learned Magistrate has rejected the petition for discharge filed on
behalf of petitioner U/s 258 Cr.P.C.

Heard the parties.

It has been submitted on behalf of the petitioner that he got
the medical examination of the victim boy done and the doctor has
issued certificate showing the age of the boy to be 15 years. He has
stated that the court has not considered the aforesaid medical
evidence.



The learned APP has submitted that defence of accused cannot be looked into at the stage of charge.

From the record it appears that the said complaint case was filed by the informant stating therein that the petitioner was found taking labour from a boy namely Rohit aged about 13 years who was found working in the household of the petitioner accused.

It has been mentioned in the impugned order itself that the court cannot verify the reliability of statement made by the accused in its defence at the time of framing charge.

Accordingly, this court does not find any illegality in the impugned order. Accordingly, this quashing petition is dismissed.

Learned trial court is directed to proceed in the case in accordance with law.

However, the petitioner is at liberty to take the defence as taken in this Cr. Misc. Application in course of trial of the case in the court below.

(Sanjay Priya, J)

A.K.V./-

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CAV DATE	
Uploading Date	
Transmission Date	

