

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17238 of 2012

Arising Out of PS.Case No. -164 Year- 2008 Thana -null District- JEHANABAD

- =====
1. Sanjay Pandit
 2. Ajay Pandit
- Both sons of Bajrangi Pandit
3. Bajrangi Pandit, s/o late Raju Pandit
- All resident of village - Amain Banglappar, Police Station - Parsasbigha, District – Jehanabad
4. Manoj Pandit, s/o Suresh Pandit
 5. Punam Devi @ Punam Kumari, w/o Manoj Pandit, Both R/O Mohalla - Hazari Mohalla, Police Station Mehandiganj, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Pandit, s/o Puneshwar Pandit, r/o village - Amain Banglappar, Police Station - Parsasbigha, District - Jehanabad

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : None.
For the State : Mr. Ram Bachan Singh, A.P.P.
For the Opposite Party No.2 : Mr. Rajani Kant Singh, Advocate.
Mr. Surendra Kumar Mishra, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 29-06-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 02.07.2011 passed by the learned Chief Judicial Magistrate, Jehanabad, in connection with Parasbigha P.S. Case No. 164 of 2008 by which the learned Magistrate took cognizance under Sections 323, 341 and 504 of the Indian Penal Code.

2. Earlier vide order dated 19.4.2017, the case was



adjourned for one week at the request of the learned counsel for the petitioner to argue the case, but when today the case is called out, no one appears on behalf of the learned counsel for the petitioner.

3. The learned counsel for the opposite party No. 2 and learned Additional Public Prosecutor have appeared. They have stated that there is no illegality in the impugned order.

4. From the impugned order, it appears that the court below has looked into the materials available in the case diary and the allegation in the written report and, thereafter, took cognizance against the accused persons for the offence under Sections 323, 341 and 504 of the Indian Penal Code.

5. The learned Magistrate is only required to see *prima facie* case at the time of taking cognizance.

6. In such circumstances, this Court does not find any illegality in the impugned order.

7. The application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14/07/2017
Transmission Date	14/07/2017

