

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35739 of 2014

Arising Out of P.S.Case No. -86 Year- 2013 Thana -SANJHAULI District- SASARAM (ROHTAS)

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Partner Perl Industries (coal Plant) Namely, Sandeep Kedia S/o Late Sitaram Kedia
resident of Flat No.-101, 1st Floor-18 Prince Anwar Sah Road, Kolkata-33
Presently resident of village- Udaypur, P.S.- Sanjhauli, District- Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. Anup Kumar S/o Late Akhileshwar Singh resident of village- Udaypur, P.S.-
Sanjhauli, Dist.- Rohtas

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Parties : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 09-08-2017

This application under section 482 of the Cr.P.C. has been
filed to quash the order dated 11.03.2014 passed by learned SDJM,
Bikramganj, Rohtas in Sanjhauli P.S.Case No.86 of 2013 whereunder
the learned SDJM finding prima-facie case for the offence under
Sections 341, 323, 324 and 506/34 of the IPC summoned the
petitioner.

2. Heard and perused the record.

3. The informant in his written report submitted to SHO of
Sanjhauli has alleged that on 22.11.2013 when he was returning his
house and reached near the place of occurrence, this petitioner ordered
his staff to caught him. The informant was brought inside the factory



where this petitioner assaulted him by sword causing injuries on his finger. The other co-accused caught hold of him and on the order of this petitioner they obtained his signature on plain paper. The matter was enquired and police submitted chargesheet against this petitioner. The learned Magistrate finding prima-facie case for the offence under Sections 341, 323, 324 and 506/34 of the IPC took cognizance and summoned the petitioner.

4. It has been submitted that the petitioner had taken the land measuring 71 decimal from the informant for a period of 30 years at the yearly rental of Rs.6800/-. The petitioner used to pay rent to the informant regularly. The informant in order to dispossess the petitioner before the expiry of lease period has lodged this case as the petitioner had given legal notice to the informant. The witnesses who supported the allegation before investigating officer are the men of informant and no offence as alleged is made out. The learned Magistrate has passed the impugned order without there being any material against him and so the impugned order is fit to be quashed.

5. However, learned APP opposed the submissions.

6. On perusal of FIR and impugned order, I find that this petitioner is named in the FIR and specific allegation is that on the order of this petitioner the informant was caught by his men and brought in the campus of his factory where he assaulted by sword



causing injuries on his fingers. He further forcibly obtained his signatures on some blank paper. During investigation, the witnesses have supported the allegation of assault. The learned Magistrate has rightly taken cognizance on the basis of material on record.

7. In view of above facts, I do not find any merit in the application. Accordingly, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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