

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46774 of 2014

Arising Out of PS.Case No. -25 Year- 2012 Thana -SC/ST District- MADHUBANI

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1. Raj Kumar Sahani
2. Shiv Kumar Sahani Both sons of Makhan Sahani
3. Rajendra Prasad Sahani
4. Sri Prasad Sahani Both sons of Dhaneshwar Sahani
5. Ram Charitra Sahani S/o Late Sonai Sahani
6. Sita Ram Sahani S/o Lakhan Sahani
7. Shiva Sahani S/o Late Ram Sunder Sahani
8. Bipin Sahni @ Bipin Kumar Sahani S/o Ram Charitra Sahani All resident of village - Laxmipur, P.S. Raj Nagar, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar Das S/o Dina Das Resident of village - Laxmipur, P.S. Raj Nagar, District - Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramshankar Das, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 16-10-2017

This petition under Section 482 of Cr.P.C. has been filed for quashing the order dated 30.05.2013 passed in S.T. S.C. P.S. Case No. 25 of 2012 passed by learned S.D.J.M., Madhubani taking cognizance under Sections 341, 323 I.P.C. and 3(1)(x) S.C. S.T. Act.

2. Briefly stated the facts of the case is that complainant has filed a complaint case in the court of Chief Judicial Magistrate, Madhubani which was referred to the police by the learned court under Section 156(3) of Cr.P.C. for instituting FIR and investigation



and thereafter S.C. S.T. P.S. Case No. 25 of 2012 was instituted under Sections 341, 323, 379, 504 read with 34 of I.P.C. and 3(1)(x) of S.C. S.T. Act.

3. It has been alleged in the complaint petition that the petitioner's father and many family members are employed in Railways and accused persons on threat used to demand extortion but due to fear no one protested. It has been further alleged that five months earlier petitioner with his mother came to his house for construction of house and was abused by petitioners, however, on account of intervention of respectable persons of the area the construction work of house was stopped. Due to this reason persons became very furious and at 3.30 P.M. the petitioner with Rs, 45,000/- was going to purchase sand, cement and stone chips and when he came near the house of the accused persons all surrounded the petitioner and abused him by his caste name and thereafter started assaulting the petitioner and thereafter by force they took a signature of petitioner on a stamp paper and also snatched Rs. 45,000/- from him and when he was going to police station to register the case the respectable persons of locality as well as Mukhiya told him that the matter will be resolved by Panchayati but when the same was not done he filed the present case in the Court of Chief Judicial Magistrate.



4. On investigation by the police it found the offence not to be true and submitted final form in the court of Chief Judicial Magistrate as case to be not true. The Court of S.D.J.M., Madhubani did not accept the final form submitted by the police and on the basis of statement of witnesses in case diary and evidence collected during investigation found that there are sufficient materials in the case record to proceed against the petitioner and took cognizance of the offence under Sections 341, 323 of IPC and 3(1)(x) of S.C. S.T. Act and issued summons to the accused petitioners to face the trial .

5. The Courts are not bound by the opinion of Investigating Officer and on the basis of materials available on record, statement of witnesses can differ with the opinion of I.O. and proceed against the accused persons. The trial Court has found sufficient materials against the petitioners in the case diary, statement of witnesses recorded by I.O. and evidence collected during investigation and has found prima facie case made out against the petitioner and took the cognizance of the offence under Sections 341 and 323 I.P.C and 3(1)(x) of S.C. S.T. Act.

6. This Court does not find any irregularities in the order passed by the court below, as such, is not inclined to interfere with the order passed by the court below under its inherent jurisdiction under Section 482 of Cr.P.C.



7. The present petition stands disposed of. Petitioners may raise all issues raised in this petition as well as all other issues available in law to be raised at the time of framing of charge.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

