

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13888 of 2013

Arising Out of PS.Case No. -103 Year- 2011 Thana -NOONSARAI District- NALANDA
(BIHARSHARIFF)

- =====
1. Mundrika Singh S/O Late Banke Singh Resident Of Village- Nari, P.S.-
Noorsarai, District- Nalanda
 2. Ranjeet Kumar S/O Mundrika Singh Resident Of Village- Nari, P.S.-
Noorsarai, District- Nalanda
 3. Indrajeet Kumar S/O Mundrika Singh Resident Of Village- Nari, P.S.-
Noorsarai, District- Nalanda
 4. Pankaj Kumar S/O Rajendra Singh Resident Of Village- Nari, P.S.-
Noorsarai, District- Nalanda
 5. Uday Singh S/O Rajendra Singh Resident Of Village- Nari, P.S.-
Noorsarai, District- Nalanda

.... Petitioners

Versus

1. The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Anuj Kr.Srivastava (App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 07-02-2017 This application has been filed under section 482 of the

Cr.P.C. against the order dated 13.01.2012 passed in Noorsarai

P.S. Case No. 103 of 2011, whereby the learned Chief Judicial

Magistrate, Nalanda took the cognizance of the offence under

Sections 341, 323, 448, 504 of the Indian Penal Code and Section

27 of the Arms Act against the accused petitioners differing with

the final form submitted by the police.

Learned counsel for the petitioners submits that while

Noorsarai P.S. Case No. 103 of 2011 was instituted against the



petitioners but on investigation, the police submitted final form, after finding the accusation to be incorrect against the petitioners but the learned Chief Judicial Magistrate, Nalanda took the cognizance of the offence under Sections 341, 323, 448, 504 of the Indian Penal Code and Section 27 of the Arms Act against the petitioners, differing with the final form submitted by the police, without giving reason to differ with the opinion of Investigating Officer.

The fact leading to this application is that on the basis of Complaint petition filed on behalf of the complainant, Noorsarai P.S. Case No. 103 of 2011 was instituted under Sections 341, 323, 448, 504 of the Indian Penal Code and Section 27 of the Arms Act against the petitioners. The police after investigation submitted final form showing the accusation against the petitioners to be incorrect. The learned Chief Judicial Magistrate, Nalanda on perusal of the material available in the case diary arrived at finding that prima facie case is made out under Sections 341, 323, 448, 504 of the Indian Penal Code and Section 27 of the Arms Act against the accused petitioners. The cognizance taking Magistrate can differ with the opinion of Investigating Officer submitting final form on perusal of material available in the case diary.



As such, I find no merit in the present application.
Accordingly, this application is dismissed in connection with
Noorsarai P.S. Case No. 103 of 2011, pending in the court of
learned Chief Judicial Magistrate, Nalanda.

(Rajendra Kumar Mishra, J)

Amit/-

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