

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7311 of 2017

Arising Out of PS.Case No. -188 Year- 2015 Thana -JAKKANPUR District- PATNA

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1. Prem Kumarv Sah @ Prem Kumar, Son of Late Sitaram Sah,
2. Rajiv Ranjan @ Ranjan Kumar,
3. Raju Kumar,
Both are son of Prem Kumar Sah, All residents of Mohalla- Sanjay Nagar Road
No.-5, P.S.- Jakkanpur, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Umesh Kumar, Son of Sri Krit Narayan Prasad, Resident of Mohalla- Sanjay
Nagar Road No-5, Police Station- Jakkanpur, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioners, learned
counsel for the State and perused the impugned order.

The first information report has been instituted under
Sections 323 and 341 of the Indian Penal Code against the
petitioners. Section 323 provides punishment for a period which may
extend to one year, or with fine which may extend to one thousand
rupees or with both whereas Section 341 provides punishment which



may extend to one month or with fine or both. Both the offences are triable as a summons case in view of the provision prescribed under Section 2(w) of the Cr. P.C. In summons case, no charge needs to be framed against the accused. Thus, an application under Section 239 of the Cr. P.C. was not maintainable before the court of learned Magistrate. The Magistrate has thus rightly rejected the application of the petitioners filed under Section 239 Cr. P.C.

The application being meritless is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2017
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