

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50837 of 2013

Arising Out of PS.Case No. -119 Year- 2009 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Rajendra Singh Son of Late Kalap Singh
 2. Aditya Kumar Singh @ Aditya Singh Son Of Rajendra Singh
 3. Dipendra Kumar Singh @ Dipendra Singh Son Of Rajendra Singh
 4. Santosh Singh Son Of Rajendra Singh
 5. Raj Kumar @ Raj Kumar Singh @ Nipu Kumar Son Of Rajendra Singh All residents of Village - Chaubey Tola, P.S. Chanpatia, District - West Champaran

.... Petitioners

Versus

1. The State Of Bihar
2. Baleshwar Singh Son Of Late Dhobha Singh, resident of Village - Chaubey Tola, P.S. Chanpatia, District - West Champaran

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-06-2017

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 20.08.2013 passed by the learned *Ad hoc* Additional Sessions Judge, FTC-IV, Bettiah, West Champaran in Sessions Trial No. 314 of 2013 whereby the petition filed on behalf of the petitioners under Section 228(1) of the Code of Criminal Procedure for transferring the case to the court of Chief Judicial Magistrate,



Bettiah has been rejected.

2. The petitioners have been made accused in a case registered *inter alia* under Section 307 of the Indian Penal Code. On completion of investigation, the police submitted charge-sheet for the offence punishable under Section 307 of the Indian Penal Code and also after taking cognizance of the offence, learned Magistrate committed the case to the court of sessions for trial.

3. Before the court of sessions, the petitioners filed an application under Section 228 (1) of the Code of Criminal Procedure for transferring the case to the Court of Chief Judicial Magistrate after framing of charge on the ground that the ingredients of the offence punishable under Section 307 of the Indian Penal Code are not attracted.

4. Learned court below having perused the materials available on record found that altogether four persons had sustained injuries in the alleged offence at the hands of the petitioners. The injuries were found to be grievous in nature on vital parts of the bodies of the victims. It is opined that there are ample materials to frame charge against the petitioners under Section 307 of the IPC and, thus, the application filed on behalf of the petitioners was rejected.

5. On perusal of the materials available on record,



I also find that there are materials to frame charge under Section 307 of the Indian Penal Code against the petitioners.

6. In view of above discussion, I see no illegality in the impugned order. According, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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