

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54293 of 2013

Arising Out of PS.Case No. -20 Year- 2012 Thana -RAUTA District- PURNIA

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1. Md. Naiyer @ Md. Maiyar Alam S/O Late Isahak Resident Of Baulan, P.S. Routa, District Purnea.
 2. Md. Sabir S/O Israil Resident Of Baulan, P.S. Routa, District Purnea.
 3. Muzahid @ Md.Muzahir S/O Mustakim Resident Of Baulan, P.S. Routa, District Purnea.

.... Petitioners

Versus

1. The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Kumari Ritambhara, Advocate

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 01-12-2017

Heard.

This application has been filed under Section 482 of Cr.P.C. to quash the order dated 21.05.2013 passed in Routa P.S. Case No. 20 of 2012, whereunder the Court of Chief Judicial Magistrate, Purnia took the cognizance of the offence under Sections 302, 201 and 120-B of Indian Penal Code.

Learned counsel appearing on behalf of petitioners submits that while F.I.R. was lodged against six persons, namely, Tejmul, Hasibul, Md. Idrish, Kamaluddin, Md. Salam and Mahmood for the offence punishable under Sections 302/34 of Indian Penal Code on the basis of the written report of Md. Olahir, but after investigation the Police submitted the Chargesheet against the petitioners and one Md. Siddique showing the F.I.R. named accused as absconder. Further submission is that learned Magistrate took the cognizance of the offence under Sections



302 & 201/34 of the Indian Penal Code against the petitioners on perusal of the case diary illegally without appreciating the facts that petitioners were not named in the F.I.R.

On going through the impugned order, I do not find any illegality amounting to abuse of process of Court for interference in extraordinary jurisdiction under Section 482 Cr.P.C. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise their defence in the trial court at appropriate stage.

(Rajendra Kumar Mishra, J)

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AFR/NAFR	NAFR
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