

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39524 of 2013

Arising Out of PS.Case No. -98 Year- 2005 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Shanti Devi, W/O Late Arbind Kr. Singh @ Ram Ekbal Singh, Resident of Village Katarmala, P.S. Goraul, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar and others.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 24-04-2017

Heard learned counsel for the petitioner and the learned counsel for the opposite parties.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 12.09.2012 passed in Goraul P.S. Case No. 98 of 2005, whereby the learned Judicial Magistrate Ist Class, Vaishali at Hajipur, allowed the application of the informant-petitioner filed under Section 311 Cr.P.C. for examination of Doctor with direction to hand over the Dasti summon to the informant-petitioner for examination of the Doctor.

3. Learned counsel for informant-petitioner submits that, in fact, due to none appearance of the Doctor in spite of issuing the summon, who examined the injury of informant-petitioner, informant-petitioner filed an application, under Section 311 Cr.P.C.



for examination of Doctor and also for taking action under Section 83 Cr.P.C. but the learned Judicial Magistrate, Vaishali at Hajipur, through the impugned order dated 12.09.2012, only allowed the application with direction to hand over the Dasti summon to the informant-petitioner to serve on the Doctor for examination and did not issue non-bailable warrant for appearance of the Doctor.

4. On going through the impugned order, I find no illegality amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, this application is dismissed .

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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Transmission Date	

