

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35378 of 2015

Arising Out of PS. Case No.-132 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kumar Gupta son of Sri Babu Lal Gupta
 2. Harish Kumar Gupta, son of Late Shyam Sunder Gupta Both resident of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. Bara Bazar, Kolkata, District- Kolkata, West Bengal
 3. Nikhil Poddar, son of Sri Vinod Kumar Poddar, resident of P 200 Jagannath Ghat, Cross Road, P.S. Bara Bazar, Kolkata, District- Kolkata, West Bengal
 4. Vinod Kumar Poddar @ Sri Vinod Kumar son of Sri Kedar Mal Poddar, resident of P 200 Jagannath Ghat, Cross Road, P.S. Bara Bazar, Kolkata, District- Kolkata, West Bengal
 5. Jai Vardhan Gupta @ Jai Vardhan son of Binu Lal Kariwal, resident of 208, Ravindra Sarani, P.S. Bara Bazar, District- Kolkata
 6. Binu Lal Kariwal @ Binu Lal son of Late Mul Ram Kariwal, resident of 208, Ravindra Sarani, P.S. Bara Bazar, District- Kolkata
 7. Rajesh Kasat, son of Hanuman Prasad Kasat, resident of 116, Mahatma Gandhi Road, P.S. Bara Bazar, District- Kolkata (West Bengal)
 8. Hanuman Prasad Kasat @ H.P. Kasat, Son of Ram Chandra Kasat, resident of 116, Mahatma Gandhi Road, P.S. Bara Bazar, District- Kolkata (West Bengal)
 9. Rajesh Jaiswal @ Rajesh Kumar Shah son of Sri Panna Lal Sah, resident of 13, Gaura Para, Sarkar Lane, P.S. Ulta Danga, District- Kolkata (West Bengal)
 10. Ratan Jaiswal @ Ratan Kumar Shah, son of Sri Panna Lal Sah, resident of 13, Gaura Para, Sarkar Lane, P.S. Ulta Danga, District- Kolkata (West Bengal)
 11. Deepak Singh, son of Sri Narendra Bahadur Singh resident of 13 Q, Anik Road, Ulta Danga, P.S. Ulta Danga, Kolkata 67 (West Bengal)
 12. Anil Kumar Khandelwal @ Anil Babu, son of Late Hari Prasad Khandelwal, resident of 9/2, D/1, Gourapara Sarkar Lane, P.S. Ulta Danga, District Kolkata (West Bengal)
 13. Raj Kishore Singh, son of Sri Vijay Singh, resident of Mohalla Purab Sarai, P.S.- Kotwali, District- Munger
 14. Murli Manohar Manjhi, son of Late Sita Ram Manjhi, resident of Flat No. 202, Sarda Vihar Apartment, Kankarbagh, P.S. Kankarbagh, District Patna
 15. Dinesh Kumar son of Sri Parmeshwar Choudhary, resident of Barh, P.S. Barh, District Patna
 16. Harish Chand Paswan, son of Late Saukhi Paswan, resident of Rupaspur, Nahar Road, P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus



1. The State of Bihar
2. Surendra Prasad, son of Late Ram Chandra Sao, resident of Salempur, Gola Road, Dalpatti Barh, P.S. Barh, District Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar Advocate.
For the Opposite Party/s	:	Mr. Surendra Kumar Singh
For the State	:	Mr. Jharkhandi Upadhyay APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-04-2018

Heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State.

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the order dated 08.6.2015 passed by SDJM Barh in complaint case no. 132 (C) of 2014 by which cognizance under Sections 343, 347, 323, 448, 452, 380, 500 and 504 of the I.P.C. has been taken against the petitioners.

In the instant case, counsel for the petitioner submits that cognizance has been taken without proper application of mind. Learned counsel for the complainant has submitted that from the contents of the written report itself it will appear that there are disputed questions of fact which cannot be determined in this quashing application. Those can only be properly adjudicated during trial.



This Court after perusing the allegation in the complaint finds that there is disputed question of facts which can be adjudicated properly during trial. Therefore, this Cr. Misc. petition is dismissed with liberty to the petitioners to raise all the points as raised in this petition either at the time of framing of charge or at the subsequent stage of trial which shall be considered by the learned Court below in accordance with law.

The interim order passed by a co-ordinate Bench of this Court on 28.8. 2015 is vacated.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.4.2018
Transmission Date	10.4.2018

