

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16831 of 2015

Arising Out of PS.Case No. -40 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

- =====
1. Pravesh Mishra @ Pravesh Kr. Mishra, son of Tarkeshwar Mishra, R/o Village + P.S. - Kasma, District - Aurangabad at present r/o Village - Jarubag Tola, P.S. - Hajipur Town, District - Vaishali.
 2. Rampravesh Baitha @ Satish Ji @ Rakesh, s/o late Yadunandan Baitha, r/o Village - Kauria, P.S. - Madhuban, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Vaishali.
5. Dy. Superintendent of Police, Muzaffarpur.
6. The Station Head Officer, Motipur, Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Umesha Nand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-02-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.05.2014 passed by the learned Sessions Judge, 3rd, Muzaffarpur, in Sessions Trial No. 454 of 2014 by which the learned Sessions Judge took cognizance against the petitioners and another for the offences under Sections 121, 121A, 120 B of the Indian Penal Code and Section 17 of C.L.A. Act.

2. Heard learned counsel for the petitioners and learned counsel for the State.



3. The petitioners have challenged the order of cognizance dated 1.5.2014 passed by the learned Sessions Judge, 3rd, Muzaffarpur, in Sessions Trial No. 454 of 2014 arising out of Motipur P.S. Case No. 40 of 2014 for the offences under Sections 121, 121A, 120 B of the Indian Penal Code and Section 17 of C.L.A. Act.

4. The court below has after submission of charge sheet, on perusing the material available in the case diary, taken cognizance against the petitioners.

5. The court below is only required to see *prima facie* case at the time of taking cognizance on the basis of allegation made in the written report and the material available in the case diary.

6. Therefore, at this stage, this Court is not inclined to interfere with the order dated 1.5.2014 passed by the learned Sessions Judge, 3rd, Muzaffarpur, in Sessions Trial No. 454 of 2014 arising out of Motipur P.S. Case No. 40 of 2014.

7. Accordingly, this Cr. Miscellaneous application is dismissed.

8. The petitioner is given liberty to raise all the points as raised in this application at the time of framing of charge in the court below which shall be considered by the court below in accordance with law without being prejudiced by this order.



9. This Criminal Miscellaneous application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	15/02/2018
Transmission Date	15/ 02/2018

