

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37890 of 2014

Arising Out of PS. Case No.-22 Year-2012 Thana- NAVHATTA District- Rohtas

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1. Brij Nandan Pandey
 2. Jai Nandan Pandey Both sons of Sheo Nath Pandey
 3. Sheonath Pandey alias Shiv Nath Pandey son of Late Beni Madhaw Pandey All are resident of village - Bاندoo, P.O. - Daranagar, P.S. - Nauhatta, Distt. Rohtas.

... .. Petitioners

Versus

1. The State of Bihar.
2. Dadan Pandey son of Late Pawan Kumar Pandey R/o Village - Bاندoo, P.S. - Nauhatta, Distt. Rohtas. At present resident of Mohalla - Saket Nagar, Rauja Canal Road, Sasaram, P.O. + P.S. - Sasaram, Distt. Rohtas.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Opposite Party/s : Mr. Chandra Bhushan Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date : 20-04-2018

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

2. The petitioners seek quashing of the order of cognizance dated 22.05.2014, passed by learned Judicial Magistrate, 1st Class, Dehri, District Rohtas in Nauhatta PS Case No.22 of 2012 thereby taking cognizance of the offence under Section 379 of the Indian Penal Code.

3. The brief facts giving rise to the case is that the *arhar* crop of the informant worth Rs.10,000/- approximately was cut and taken away by the accused persons.



4. Learned counsel for the petitioners submits that the civil court has no jurisdiction to take cognizance of the offence under Section 379 of the Indian Penal Code in a case where the value of the theft material is upto Rs.10,000/- in view of Section 106 of the Bihar Panchayati Raj Act, 2006 and if such facts comes to the knowledge of the concerned court finding the case triable by a Bench of Gram Kutchery then it requires to be transferred to the Gram Kutchery having jurisdiction in the matter.

5. The Court finds that under Section 106 of the Bihar Panchayati Raj Act, 2006, criminal jurisdiction of the Gram Kutchery is defined. The Kutchery can try offences mentioned in the said Act including the offences under Sections 379, 380, 381 and 411 of the Indian Penal Code in which the value of the stolen goods or the property is upto Rs.10,000/-. Gram Kutchery is debarred from taking cognizance of the offence under the aforesaid sections wherein the value of the property alleged to have been stolen exceeds Rs.10,000/-. In the present case, the value of the alleged stolen crop is Rs.10,000/- approximately; approximately means may lesser than Rs.10,000/- or even more than Rs.10,000/- and in other words not exactly ten thousand, so if the value of stolen crop is found exceeding Rs.10,000/-, the Gram Kutchery lacks jurisdiction to try such offence. In the present case, with



certainty it cannot be said that the value of the alleged stolen crop is less than Rs.10,000/-, so in this peculiar facts of the case, this Court does not find any illegality in the order impugned, hence there is no occasion to interfere with the impugned order.

6. The quashing application stands dismissed.

(Arun Kumar, J)

S.KUMAR/-

AFR/NAFR	NAFR
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