

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51067 of 2016

Arising Out of PS. Case No.-22 Year-2016 Thana- KASIMBAZAR District- Munger

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1. Rajendra Sharma, S/o- Late Lakhan Lal Sharma, resident of Village- Maksuspur, P.S.- Kasim Bazar, District- Munger.
 2. Vikram Sharma, S/o- Rajendra Sharma, resident of Village- Maksuspur, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. R.S.Pradhan Sr. Advocate
For the Opposite Party/s : Mr. Sri Jharkhandi Upadhyay APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 12-09-2018

This petition under Section 482 Cr. P. C. has been filed for quashing the order dated 20.10.2016 passed by the learned Additional Sessions Judge-1st Munger in Sessions Trial no. 175 of 2016 arising out of Kasim Bazar P.S. case no. 22 of 2016 by which learned Sessions Judge has dismissed the petition filed on behalf of the petitioners under Section 228 of Cr. P.C.

Heard learned senior counsel for the petitioners and the State.

Learned counsel for the petitioners has submitted that in the instant case no offence under Sections 25(A) (AA) and



26(ii) &(iii) is made out. A petition was filed in the Trial Court under Section 228 Cr. P.C. for remitting the case back to the court below which was rejected.

From perusal of the impugned order it appears that the Court below has mentioned that semi manufactured magazines and spring used in magazine were also recovered by the police which give impression to the court that these articles were used for manufacturing the prohibited arms.

It is settled law that charges are framed when the trial court finds sufficient material for the same. The court below has found sufficient material to frame charge against these petitioners as mentioned in the impugned order.

Therefore, this Court is not inclined to interfere with the impugned order.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

The petitioners are given liberty to raise all the points, as raised in the present application, during trial that the recovered arms were not the prohibited arms. The Court below after taking into consideration all the evidence brought on record by the petitioners shall pass appropriate order in



accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
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