

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27703 of 2016

Arising Out of PS.Case No. -32 Year- 2014 Thana -PARBATT A District- BHAGALPUR

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Uzzwal Kumar @ Chhotu Kumar, son of Nirmal Kumar, Resident of Village-
Khagra, P.S. Parwatta Dist- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Giridhar Kumarm son of Late Jitan Kumar, Resident of Village- Khagra, P.S.
Parwatta Dist- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate.

For the Opposite Party/s : Mr. R.B. Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 13-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 22.6.2015 passed by learned Additional Chief Judicial Magistrate, Naugachia, Distt. Bhagalpur, in Parbatta P.S. Case No. 32 of 2014, G.R. No. 766 of 2014 by which the learned Magistrate took cognizance against the petitioner and other accused person for the offences under Sections 147, 149, 323, 325, 307 and 302 of the Indian Penal Code.

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



3. Counsel for the petitioner has submitted that court below on the basis of materials available in the original case diary has taken cognizance against the petitioner. The police has submitted final form against the petitioner as he did not find material in supplementary case diary.

4. The police has not accordingly sent up the petitioner for trial.

5. Learned counsel for the State has submitted that earlier police has submitted charge sheet against two co-accused and kept the investigation pending against this petitioner. Thereafter, police submitted final form against the petitioner. There was sufficient material in supplementary case diary against the petitioner. The police has submitted charge sheet on the basis of supplementary case diary.

6. The court below after looking into materials available in the original case diary has found *prima facie* case against the petitioner as mentioned in the impugned order.

7. Therefore, this Court does not find any illegality in the impugned order.

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



prejudiced by this order. The court below at the time of passing final order will consider all the materials available in the case diary including the materials available in the supplementary case diary.

9. This Criminal Miscellaneous application is accordingly disposed off with aforesaid observation.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14/09/2018
Transmission Date	14/09/2018

