

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28236 of 2015

Arising Out of PS.Case No. -341 Year- 2012 Thana -GOPALGANJ CITY District- GOPALGANJ

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Abhinay Kumar Singh, son of Munna Prasad, Resident of Janta Cinema Road , P.S.
Gopalganj, Distt - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Investigating Officer, P.S. Gopalganj, Dist - Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate.

For the Opposite Party/s : Smt. Rina Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 26-02-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.04.2015 passed by the learned Additional Sessions Judge, 1st, Gopalganj, in Cr. Revision No. 435 of 2014/CIS No. 533 of 2014 and order dated 1.4.2014 passed by the learned Judicial Magistrate, 1st Class, Gopalganj, in connection with G.R. Case No. 3340 of 2012, Trial No. 3586 of 2014 by which both the courts have rejected the petition filed by the petitioner for releasing the seized cash of Rs.4,40,000/-.

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

3. Learned counsel for the petitioner has submitted



that petitioner is not named in the written report. It has further been submitted that the main accused, who was the father of this petitioner has already faced trial and he has been acquitted.

4. In the written report, the seizure list is available which shows that recovery has been made from the house of named accused Munna Prasad. The case was registered against accused Munna Prasad, father of this petitioner and two others for offence under Sections 272, 273 of the Indian Penal Code and Section 47(A) of Excise Act. The petitioner is not named in the First Information Report.

5. In this view of the matter this petitioner has no cause of action to file such petition for release of seized cash of Rs.4,40,000/-.

6. This Criminal Miscellaneous application is accordingly dismissed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19/03/2018
Transmission Date	19/03/2018

