

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18763 of 2014

Arising Out of PS.Case No. -54 Year- 2011 Thana -COMPLAINT CASE District- SUPAUL

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1. Ram Bahadur Yadav Son of Late Jiya Lal Yadav
 2. Dinesh Mohan Yadav @ Dinesh Mohan Prasad Son of Late Jiya Lal Yadav
 3. Umesh Yadav Son of Sri Ram Bahadur Yadav
 4. Ramesh Yadav Son of Sri Ram Bahadur Yadav
 5. Mahesh Yadav Son of Sri Ram Bahadur Yadav All R/o Village-Shivpuri Nrhi, P.S. Kishanpur, District-Supaul
 6. Mahendra Yadav Son of Late Ramji Yadav R/o Village-Jharka P.S. Pipra, District-Supaul

... Petitioner/s

Versus

1. The State of Bihar
2. Ramjit Kumar Yadav Son of Late Kanak Lal Prasad Yadav All R/o Village-Shivpuri Nrhi, P.S. Kishanpur, District-Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate
Mr. Sushil Kumar Jha, Advocate
For the Opposite Party No. 2 : Mr. Kamal Kishor Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

CAV JUDGMENT

Date: 07-02-2018

Heard learned counsel for the petitioner, learned APP for the State and the learned counsel for the Opposite Party no. 2.

2. Petitioner's counsel submits that the order taking cognizance for the offences under Sections 147 and 379 IPC is unsustainable inasmuch as the jurisdiction of the Court is barred under Section 113 of the Bihar Panchayati Raj Act, 2006. The said submission is made by relying upon the complaint dated 16.01.2011 made before the Gram Kutchery by the petitioner alleging theft of a



tree worth Rs. 6000/- against some persons.

3. He submits that since the said case was pending before the Panch of Gram Kutchery, the instant proceedings arising out of the Complaint Case No. 54C of 2011 filed by the Opposite Party cannot be entertained. Annexure 1 to the petition is the copy of the complaint filed wherein the petitioner and other persons have been made accused. The same alleges theft of 10 pieces of Seesham wood. The value of which has been quantified as Rs. 15000/-. The allegations made in the Compliant Case No. 54(C) of 2011 though relates to the same date i.e., 16.01.2011, in relation to which the petitioner has also lodged a case before the Bench of Gram Kutchery regarding theft of one tree but the said two cases are *prima facie* in relation to two distinct offences.

4. The issue whether the gram Kutchery has jurisdiction in respect of offences under section 379 of the IPC has been decided by a coordinate Bench of this Court in the matter of **Md. Raus vs. State of Bihar** reported in **2013(1) PLJR 579** wherein it has specifically been held that the gram Kutchery has got no jurisdiction to take cognizance of offence under Section 379 IPC.

5. The instant case is also a case under Section 379. The submission made on behalf of the petitioner are therefore, not tenable.



6. No ground for interference by exercising jurisdiction under Section 482 Cr.P.C., is made out.

7. The application is dismissed.

Prakash/-

(Madhuresh Prasad, J)

AFR/NAFR	
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