

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29072 of 2013

Arising Out of PS.Case No. -1870 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Smt. Beena Prasad W/O Sri Niwas Prasad Resident Of Road No.-8a, Ashok
Nagar, P.S.- Kankarbagh, Patna-800 020

2. Sri Niwas Prasad S/O Late Shardha Prasad Resident Of Road No.-8a, Ashok
Nagar, P.S.- Kankarbagh, Patna-800 020

3. Aditya Raj S/O Sri Niwas Prasad Resident Of Road No.-8a, Ashok Nagar, P.S.-
Kankarbagh, Patna-800 020

.... Petitioner/s

Versus

1. The State Of Bihar

2. Smt. Naina Devi W/O Late Punyadeo Mishra Resident Of Road No.-8a, Ashok
Nagar, P.S.- Kankarbagh, Patna-800 020

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-01-2018

This petition has been filed for quashing the order dated 17-02-
2012 passed in Complaint Case No. 1870 C of 2011 by Md. Salim, J.M. Ist Class,
Patna by which, the learned Magistrate has found prima facie case against the
petitioners for offence under Sections-379, 323/34 of the Indian Penal Code as
well as order dated 16-05-2012 passed by learned Sessions Judge in Cr. Rev. No.
325 of 2012.

During course of hearing of this petition, counsel for opposite
party No. 2 has submitted that now stage has changed. Charge has already been
framed against the petitioners by order dated 31-07-2015 for the offence under
Sections-379, 323/34 of the Indian Penal Code. Counsel for opposite party
No. 2 has further submitted that petitioners have preferred Cr. Rev. No. 325 of



2012 against the impugned order before learned Sessions Judge which was dismissed by order dated 16-05-2012.

Lower court record has been received.

From the LCR, it appears that charge has already been framed against these petitioners for the offence under Sections-379, 323/34 of the Indian Penal Code and the case has been posted for evidence after charge. One witness namely, Shailendra Kumar Mishra has already been examined as CW-1 and discharged on 02-04-2016. It further appears that earlier the order of cognizance was challenged by the petitioners by filing Cr. Rev. No. 325 of 2012 which was dismissed by learned Sessions Judge.

In such circumstances, this court does not find any merit in this petition. Accordingly, this petition is dismissed.

The court below is directed to proceed in trial in accordance with law. The lower court record be returned to court below for trial without any delay.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-01-2018
Transmission Date	29-01-2018

