

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31727 of 2014

Arising Out of PS.Case No. -69 Year- 2013 Thana -FORBESGANJ District- ARRARIA

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1. Md. Munim, S/o Riya Zuddin, resident of Purvari Jhirua, P.S. Simraha,
District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Md. Afzal Hussain, S/o Late Haji Salim, resident of village- Purvari
Jhirua, P.S.- Simraha, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 25-06-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 19.06.2014 passed by the Chief Judicial Magistrate, Araria, in Forbesganj P.S. Case No.69 of 2013, by which the Magistrate has granted permission to reinvestigate the case even after submission of final report by the police showing the petitioner as innocent.

Notice was issued to the Opposite Party No.2, which has validly been served, but none appears on behalf of the Opposite Party No.2.

Counsel for the petitioner submits that after submission of final form the Court below on the basis of Protest Petition directed to register the complaint case, but later on, on



filing petition by the Investigating Officer, the Court below ordered for reinvestigation of the case.

A report was called for from the Court below about the present stage of the case, which has been received.

The Court below has submitted in the report that the case has already been committed to the Court of Sessions and three prosecution witnesses have also been examined in the case. The case is pending for prosecution evidence.

In view of such, this Court is not inclined to interfere with the impugned order passed by the learned Court below.

The application is, accordingly, **dismissed**.

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

(Sanjay Priya, J)

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