

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47724 of 2014

Arising Out of PS. Case No.-401 Year-2001 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Tabrez Sajjad Ahmad Son of Sarfaraz Ahmad posted at R.P.F. Post Rafiganj as Inspector, P.S. Rafiganj, District - Aurangabad.
 2. Bishwanath Mishra, Son of Sri Rajendra Mishra Posted at Samastipur Railway Station as Inspector of RPF, P.S. Samastipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh
For the Opposite Party/s	:	Mr. Navin Kr. Panday (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 23-07-2018 This petition under Section 482 Cr. P.C. has been filed for quashing the order dated 4.10.2001 passed by Judicial Magistrate 1st Class, Gaya in Complaint case no. 401 of 2001 by which the learned Magistrate has taken cognizance against the petitioners for the offences under sections 323, 384 and 385 of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

A report with regard to the present case of trial was called for which has been received. The learned Court below has mentioned in the report that after cognizance the case is pending for prosecution evidence. This Court finds that learned



Court below has after recording S.A. of the complainant, statement of three witnesses and also after looking into the materials available on record, has found a *prima facie* case for the offence under Sections 323, 384 and 385 of the Indian Penal Code. The learned court below has mentioned in the report that case is pending for prosecution evidence.

Therefore, this Court is not inclined to interfere with the impugned order. Accordingly, this Cr. Misc. application is dismissed.

The Court below is directed to proceed in trial and make efforts to conclude the same expeditiously, preferably within six months from the date of receipt of this order, in accordance with law; since the case is of year 2001.

(Sanjay Priya, J)

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