

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49060 of 2014

Arising Out of PS. Case No.-132 Year-2002 Thana- BIRAUL District- Darbhanga

Ganga Prasad Paswan son of Ramdeo Paswan Resident of Village + P.O. -
Sahasram Brahmottar, Police Station - Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha

For the Opposite Party/s : Mr. P.N.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 01-08-2018

This application under section 482 Cr.P.C. has been filed for quashing the order dated 09.08.2011 passed by S.D.J.M., Biraul at Benipur in Biraul P.S. case no. 132 of 2002 by which learned Magistrate has taken cognizance for the offence under Sections 467, 468, 420 and 406/34 of the Indian Penal Code against the petitioner and another.

From the order dated 17.7.2018, it appears that earlier none had appeared on 13.10.2017 and on 21.11.2017. The petition was dismissed for non-prosecution. The petition was restored. But again, nobody had appeared on behalf of the petitioner on 17.7.2018. Today also, nobody has appeared on behalf of the petitioner.

A report was called for from the Court below which has been received, wherein, it is mentioned that cognizance has been taken on 9.8.2011 for the offence under Sections 467, 468, 420 and 406/34 of the IPC against this petitioner and co accused, namely,



Hira Manjhi. Thereafter summon and non bailable warrant of arrest was issued against the petitioner but the petitioner did not appear. The process under Sections 82 and 83 Cr.P.C. has also been issued on 16.11.2017. The petitioner has not appeared till date and the case is fixed for appearance of petitioner in the court below.

From the impugned order, it appears that learned Magistrate has after looking into the allegation in the written report and the material available in case diary along with charge sheet submitted by police has taken cognizance against the petitioner and other accused persons for the offence under Sections 467, 468, 420 and 406/34 of the IPC. Therefore, this Court does not find any illegality in the impugned order.

This Cr. Misc. application is, accordingly, dismissed.

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

(Sanjay Priya, J)

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