

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35810 of 2015

Arising Out of PS. Case No.-276 Year-2013 Thana- BASANTPUR District- Siwan

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1. Shahabuddin @ Sahabuddin @ Jhunjhun @ Mohammad Sahabuddin
 2. Shahmat Hussain @ Sahadat Hussain Both sons of Jamdali Mian, Resident of village- Husepur Nand, P.S. Basantpur, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Syed Alam son of M. Hakeem, Resident of village & P.O.- Husepur Nand, P.S. Basantpur, District Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad

For the Opposite Party/s : Mr. Upendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 08-05-2018

Heard learned counsel for the petitioner and the State.

This application under Section 482 Cr. P.C. has been filed for quashing the order dated 9.7. 2015 passed by learned Sessions Judge Siwan in Cr. Rev no.148 of 2014 whereby he has found no irregularity and error in passing the order by the learned Court below in connection with Basantpur P.S. case no.276 of 2013

Learned counsel for the petitioners has submitted that there are contradiction in the evidence of the witnesses. He has further submitted that one of the co-accused is juvenile.

Learned counsel for the informant has appeared and



submitted that the petitioner has already filed revision application vide Cr. Rev. no. 148 of 2014 against the cognizance order passed by the Court below.

A report was called from the Court below which has been received from which it appears that the case is pending for framing of charge.

The revisional Court after considering all the materials available in the record including the statement of the witnesses recorded during investigation and statement of the victim recorded under Section 164 Cr. P.C. has passed the impugned order.

This Court after looking into the order passed by the revisional Court finds that the revisional Court after looking into the materials available in the record and also statement of the victim girl recorded under Section 164 Cr. P.C. as also statement of other witnesses in the case diary has found no illegality committed by the Magistrate in finding the *prima facie* case against the petitioners for the offence under Section 376/511, 341,323 and 352 of the I.P.C. Therefore, this Court does not find any illegality in the impugned order.

Accordingly, this Cr, Misc. petition is dismissed. The Court below is directed to proceed with the case in accordance



with law.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.5.18
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