

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42068 of 2014

Arising Out of PS.Case No. -3556 Year- 2012 Thana -VAISALI COMPLAINT CASE District -
VAISHALI(HAJIPUR)

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Vidyanand Pandey Son of Late Nageshwar Pandey Residnet of Village -
Marai P.S - Jandaha, Dsitt - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Pandey Son of Late Kaplieshwar Pandey resident of Village -
Marai, P.S - Jandaha Distt - Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 30-01-2018 The petitioner has challenged the order dated

26.09.2013 passed by the learned Judicial Magistrate, 1st Class,
Vaishali at Hajipur in Complaint Case No. 3556 of 2012,
corresponding to Tr. No. 5658 of 2013 whereby cognizance has
been taken against him under Sections 420, 468 and 471 of the
Indian Penal Code.

Learned counsel for the petitioner has drawn the
attention of this Court to the complaint petition and has
demonstrated that the petitioner as well as the
complainant/opposite party no. 2 are cousins and the dispute
between them basically pertains to land which avowedly fell in
their respective shares. It has been alleged in the complaint



petition that the land which had fallen in the share of the father of opposite party no. 2 was wrongly mutated in the name of the father of the petitioner.

Pursuant to the notice issued by this Court, the opposite party no. 2 has appeared through a counsel but there is no representation on his behalf today.

Learned counsel for the petitioner has submitted that the case is pending before the court below where four witnesses have been examined before the charge. As such, this Court is not inclined to interfere with the order of cognizance.

However, if the petitioner approaches the court below and seeks his discharge, the court below shall look into the materials available on record and after hearing the parties would pass a reasoned order without being prejudiced by the fact that the present petition seeking quashing of the order of cognizance has not been entertained by this Court.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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