

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4342 of 2015

Arising Out of PS.Case No. -45 Year- 2014 Thana -KISHANGANJ District -KISANGANJ

=====

Shahna Iraqui, S/o Late Md. Zakaria, Resident of Village Khagra, Police Station and District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Satyendra Kumar Sahay, the Circle Officer, Kishanganj.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate.

For the Opposite Party/s : Mr. Shardanand Jha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-07-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 18.11.2014 passed by the learned Chief Judicial Magistrate, Kishanganj, in Kishanganj P.S. Case No. 45 of 2014, G.R. No. 149 of 2014 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 188, 353, 160 and 153(A) of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. It appears that petitioner had earlier filed Cr. Misc. 14873 of 2014 for quashing the First Information Report of the aforesaid P.S. Case which was disposed off by a Bench of this Court



vide order dated 20.10.2014 with observations that police would complete the investigation and submit charge sheet.

4. The Police completed the investigation and submitted charge sheet. The court below after submission of charge sheet has taken cognizance against the petitioner. The petitioner has challenged the cognizance order in this petition.

5. This Court after looking into the aforesaid order finds that court below has taken cognizance after looking into the allegation in the First Information Report and materials available in the case diary.

6. Therefore, this Court does not find any illegality in the impugned order.

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The petitioner is however given liberty to raise all the points as raised in this application in the court below at the time of framing of charge which will be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/07/2018
Transmission Date	27/07/2018

