

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13728 of 2015

Arising Out of PS. Case No.-2101 Year-2010 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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1. Ajay Kumar Jha and Anr son of Late Shyam Sunder Jha
 2. Tuntun Jha @ Tuntun Kumar Jha son of Raghunath Jha Both resident of village- Tektar, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Jagmohan Jha son of Late Harishchandra Jha, resident of village- Tektar, P.S.- Kamtaul, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Opposite Party/s : Mr.Chaube Jawahar App

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 14-05-2019 The petitioners seek quashing of the order dated 17.01.2015, passed in Criminal Revision No. 121 of 2014 by the learned District and Sessions Judge, Darbhanga, whereby and whereunder he has refused to interfere with the order taking cognizance dated 20.01.2012, passed by the learned Judicial Magistrate, First Class, Darbhanga. The cognizance has been taken for the offence punishable under Sections 341,323,504,427/34 of the Indian Penal code.

Learned counsel appearing on behalf of the petitioners has, with reference to the First Information Report, submitted that allegedly the occurrence had taken place over minor dispute when the persons named in the First Information Report were getting fixed the asbestos-sheets over their roof. He has submitted that it was because of the land dispute that a false criminal case has been lodged and, therefore, this Court exercising



power under Section 482 of the Code of Criminal Procedure may interfere with the order taking cognizance, which has been affirmed by the revisional Court.

I have perused the FIR. The allegation made in the First Information Report do constitute an offence punishable under various provisions of the Indian Penal Code in respect of which the cognizance has been taken. The order taking cognizance cannot be said to be suffering from any legal infirmity, requiring this Court's interference.

In any event, this Court's interference is not required since the petitioners have remedy of making an application for discharge, if the charge has not been framed. The order passed by the learned Sessions Judge thus does not require any interference. This application is dismissed but with the observation that the petitioners shall be at liberty to make application for their discharge, if the charges have not been framed.

(Chakradhari Sharan Singh, J)

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