

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.945 of 2015

Arising Out of PS. Case No.-290 Year-2014 Thana- PATLIPUTRA District- Patna

Bhupesh Gupta son of late Mauje Sah resident of G.D. Mishra Path, At + P.S.
- Patliputra Colony, District - Patna.

... .. Petitioner.

Versus

1. The State Of Bihar.
2. Pappu Mishra son of Lalbabu Mishra resident of House No. 105, Patliputra Colony, P.S. Patliputra, District - Patna.
3. Chotu @ Sudhanshu Kumar son of Hira Lal Singh resident of Nehru Nagar, Near Devasthan, P.S. Patliputra, District - Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner	:	Mr. Arvind Kumar, Advocate.
For the State	:	Mrs. Sangita Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 30-08-2019

Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor for the State.

2. This Criminal Revision is directed against the order dated 04.07.2015 passed in G.R. No.5253 of 2014/Trial No.8105 of 2015, arising out of Patliputra P.S. Case No.290 of 2014, by the court of the Judicial Magistrate, First Class, Patna, taking cognizance of the offence under Sections 341, 323 and 504/34 of the Indian Penal Code against the opposite party nos.2 and 3, on perusal of the First Information Report and the materials, available in the case diary.

3. Learned counsel for the petitioner submits that while on perusal of the First Information Report and the materials, available in



the case diary, the offence under Sections 384 and 379 of the Indian Penal Code is also made out against the opposite party nos.2 and 3 but the learned Judicial Magistrate committed an error in not taking the cognizance of the offence under Sections 384 and 379 of the Indian Penal Code against the opposite party nos.2 and 3.

4. From perusal of the impugned order, I find that the learned Judicial Magistrate, First Class, Patna, on perusal of the First Information Report and the materials, available in the case diary, took the cognizance of the offence under Sections 341, 323 and 504/34 of the Indian Penal Code against the opposite party nos.2 and 3 and found that no offence under the aforesaid Sections is made out against the opposite party nos.2 and 3. As such, the learned Judicial Magistrate did not commit any illegality in not taking the cognizance of the offence under Sections 384 and 379 of the Indian Penal Code against the opposite party nos.2 and 3.

5. I do not find any reason to interfere with the impugned order and, accordingly, this Criminal Revision stands dismissed.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2019.
Transmission Date	02.09.2019.

