

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2520 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- DHARHARA District- Munger

1. NARSINGH TANTI Son of Biranchi Tanti Resident of Village- Mangarh, P.S.- Dharhara, District- Munger.
2. Kumari Punam Wife of Narsingh Tanti Resident of Village- Mangarh, P.S.- Dharhara, District- Munger.
3. Ankit Kumar Son of Narsingh Tanti Resident of Village- Mangarh, P.S.- Dharhara, District- Munger.
4. Abhilasha Devi Daughter of Narsingh Tanti Resident of Village- Mangarh, P.S.- Dharhara, District- Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manohar Prasad Singh, Adv.

For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 15-10-2019 This memo of appeal has been preferred against order dated 06.12.2018 passed by ADJ-1st-cum-Special Judge (SC/ST Act), Munger in connection with Dharhara PS Case No. 219/2017 whereby and whereunder learned lower court has rejected the prayer made on behalf of the appellants for further investigation in accordance with 174(8) of the CrPC in pursuance of order dated 03.10.2018 passed in CrWJC No. 1710/2018. Furthermore, it is also evident from Annexure-7 that charge-sheet has already been submitted and, cognizance of an offence punishable under Section 302, 120B, 307, 341, 323,



147, 148, 149, 324, 387, 504, 506 IPC read with Sections 3(I)(r) (s) and 3(ii)(v/a) of (Prevention of Atrocities) Act has been taken. That means to say, the order dated 03.10.2018 happens to be after the order of cognizance.

On due consideration of the submissions having been made at the end of learned counsel for the appellants in consonance with the spirit of the order dated 03.10.2018 passed in CrWJC No. 1710/2018 (Annexure-1), a crucial question arose with regard to entitlement of the accused asking for further investigation in accordance with Section 173(8) of the CrPC and that being so, it looks prudent that the matter be adjudicated upon in same manner by the same Bench and for that, the appellant is directed to convert this memo of appeal into Criminal Writ petition whereupon, the office will list before the same Bench after taking necessary permission from Hon'ble the Chief Justice.

(Aditya Kumar Trivedi, J)

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