

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14386 of 2015

Arising Out of PS.Case No. -42 Year- 2013 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Dr. Aun Ahmad, son of Abul Kasim
2. Dr. Abul Kasim @ Abul Quasim Ansari @ Abul Quasim Son of Abu Mahamad
Both residents of village - Rajaura, P.S.- Muffasil, District - Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Dr. Sona Lal Akela, Civil Surgeon, Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 20.02.2014 passed by the learned Chief Judicial Magistrate, Begusarai in Muffasil P.S. Case No.42 of 2013 by which cognizance has been taken for the offences under Sections 420, 467, 468 and 471 of the Indian Penal Code.

2. The allegations made in the first information report do attract the ingredients of the offences alleged.



3. It is contended by the petitioners that the allegations made in the first information report are not correct. The petitioners possess requisite qualification and they were competent to treat the patient. It is also submitted that it is wrong to allege that the certificates of the petitioners were forged.

4. Be that as it may, since the allegations made in the FIR have been found to be true during investigation, I see no illegality in the impugned order whereby cognizance has been taken by the learned Chief Judicial Magistrate vide impugned order dated 20.02.2014.

5. In that view of the matter, the application is dismissed. It is open to the petitioners to agitate all the points available to them at the stage of framing of charge.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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