

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84313 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- KOTWALI District- Patna

=====

ANKIT KUMAR @ CHHOTU Son of Nand Lal Singh Resident of Village -
Rupas, P.S.- Athmal Gola, Distt - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Ashok Kumar Singh, S.I Kotwali Police Station, Patna. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Shyam Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-12-2019 Application has been filed for grant of quashing the order dated 3.4.2019 passed by learned CJM Patna in Kotwali PS Case No./ 114/2019 dated 10.2.2019 G.R. No. 1145 of 2019 by which cognizance has been taken against the petitioner and other two persons for the offences under Sections 417, 418, 419, 420, 467, 468, 471 and 120B Indian Penal Code and further the aforesaid case is pending before learned Chief Judicial Magistrate, Patna.

Heard learned Counsel for the petitioner and the learned APP for the State.

It is submitted by petitioners' Counsel that the prosecution case is false. The occurrence has never taken place and that the petitioners have committed no offence.

The submission of counsel for the petitioner is primarily the factual denial of the allegations made in the FIR. The FIR is to the extent that the petitioner was cheating the people in the name of giving job and it is for such motive that he was taking testimonials of the victims. Allegation is that he was found with testimonials of several persons and as such the prosecution has been initiated against



him.

In view of the ingredients being found in the FIR the Magistrate has taken cognizance of the offence under Sections 417, 418, 419, 420, 467, 468, 471 and 120B IPC.

In view of existence of the ingredients of the offence in the FIR this Court does not find any infirmity in the order taking cognizance.

Submission of petitioner's Counsel is of factual denial of the allegation.

This Court exercising jurisdiction under Section 482 Cr.P.C. is not expected to look into factual denial as the same are issues to be considered by the court below at the time of trial.

No case is made out for interference.

This application is dismissed.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

