

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1437 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- CHENARI District- Rohtas

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BABLU KUMAR @ BABLU SINGH, Son of Bandhu Singh, Resident of
Village - Chenari Dih, P.S. - Chenari, District - Rohtas at Sasaram (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lallan Pandey

For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 31-01-2020

Heard the parties.

2. Petitioner has filed this application under Section 482 of Cr.P.C. for quashing the order dated 23.05.2019 passed by learned Additional Chief Judicial Magistrate IV-Cum-Sub-Judge XII, Sasaram, Rohtas in Chenari Police Station Case No. 50 of 2019 (Case No. 322 of 2019/Trial No. 809 of 2019) by which the learned court below has taken cognizance against the petitioner for offence punishable under Sections 414, 467/34, 468/34 and 471/34 of I.P.C.

3. Informant who is the Officer-in-Charge of police station has alleged in his self statement that on 22.02.2019 at about 6.00 PM he received a secret information that on two stolen motorcycles bearing similar registration No. BR 24Q 8539 Anil Kumar Singh and Bablu Kumar were seen riding and they are cousin brothers and are neighbours also and as such the



houses of both Anil Kumar Singh and Bablu Kumar were raided and from the house of Anil Kumar Singh one stolen motorcycle was recovered and he failed to produce any ownership document of said motorcycle and stated that the motorcycle is of Bablu Kumar (petitioner). Petitioner was called and he stated that he has the owner book of the vehicle and when his house was searched, motorcycle having similar registration number was found which was also seized. He could not produce ownership document of the recovered and seized motorcycles.

4. On the basis of FIR the case was investigated by the I.O. and after conclusion of the investigation the case was found to be true against the petitioner and charge sheet was submitted against him and on the basis of charge sheet and materials available against the petitioner, the court below took cognizance of the offence and issued summons for his appearance to face the trial.

5. It has been submitted on behalf of petitioner that very basis of the prosecution story that the motorcycle which was recovered from his house is a stolen motorcycle is incorrect as he has documents with respect to ownership of said motorcycle, as such, no criminal offence of recovery of stolen motorcycle from the possession of the petitioner is made out and as such, whole



proceeding is fit to be quashed.

6. At the stage of taking cognizance, the Magistrate is required to apply his judicial mind only to find out whether a prima facie case is made out for summoning the accused or not. The Magistrate is not required to evaluate the merits of material or evidence in support of complaint. Meticulous analysis of evidence is not required to be done at this stage. At the initial stage of issuance of process it is not open for this court to stifle the proceedings by entering into the merits of contentions or defence of accused/petitioner.

7. This Court under its inherent jurisdiction cannot substitute its own view for summoning order passed by the Magistrate.

8. The trial court found prima facie case to be made out against accused/petitioner on the basis of material available on record, as such, this Court does not find any error, infirmity or irregularity in the order passed by the trial court. Accordingly, present Criminal Miscellaneous petition is dismissed.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

