

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85665 of 2019

Arising Out of PS. Case No.-538 Year-2018 Thana- GAYA KOTWALI District- Gaya

DR. R. S. NAGMANI Son of Late Ram Sewak Singh Resident of Village-
Bairagi, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Deepchand Gupta, Son of Sanjay Prasad Gupta At present resident of A.P.
Colony, Near Shiv Mandir, P.S.- Rampur, District- Gaya permanent resident
of Village and P.S.- Jamhore, District- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-01-2020

Heard learned counsel for the parties.

The petitioner has sought for quashment of the police report dated 19.07.2019, submitted under Section 173 Cr.P.C., in connection with Gaya Kotwali P.S. Case No. 538 of 2018.

The challenge is on the ground that the petitioner was not present at the time of occurrence and is victim of false implication due to the counter case.

In my view, the prayer is premature. The Magistrate has not exercised its discretion to proceed or not with the case.

The petitioner may pursue legal remedy if the Magistrate passes any order affecting interest of the petitioner.



With this observation, this application stands disposed
off.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.01.2020
Transmission Date	08.01.2020

