

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83194 of 2019

Arising Out of PS. Case No.-272 Year-2017 Thana- TAJPUR District- Samastipur

DEEPAK KUMAR @ DEEPAK RAM Son of Dinesh Ram Resident of
Village - Bakhari Barari, P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar No.1, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 05-02-2020

Heard the parties.

2. This application has been filed under Section 482 of Cr.P.C. for quashing the order dated 22.10.2019 passed by learned Judicial Magistrate 1st Class, Samastipur passed in G.R. No. 2618/2017/Trial No. 2716/2019 arising out of Tajpur P.S. Case No. 272 of 2017 by which the learned Magistrate has rejected the application under Section 239 of Cr.P.C.

3. Informant has alleged in his written complaint that on 06.09.2017 he had parked his motorcycle and in the morning he found that the motorcycle has been stolen.

4. On the basis of said written complaint FIR was instituted against unknown thieves giving rise of Tajpur P.S. Case No. 272 of 2017 and after investigation, the police found



the involvement of petitioner in said offence and submitted charge sheet against him and other accused.

5. A discharge petition was filed on 07.02.2019 stating therein that during investigation there is no materials or evidence collected by the I.O., as such, the charges against petitioner are groundless and as such he may be discharged.

6. The trial court on consideration of the discharge petition has held that on the basis of examination of material produced alongwith report under Section 173 of Cr.P.C. the court finds sufficient materials against the petitioner in order to frame charge and accordingly dismissed his discharge petition.

7. At the time of framing of charge, the trial court is required to evaluate materials and documents on record to decide whether fact emerging therefrom taken at their face value could disclose existence of ingredients constituting the alleged offence. The court is not required to enter into the probative value of materials on record. At this stage, court cannot consider whether on the basis of materials the accused will be convicted or not. Even there is grave suspicion, charges can be framed.

8. This Court in its inherent jurisdiction cannot re-appreciate or re-assess the evidences which has come against petitioner during investigation of the police as same is the



exclusive domain of the trial court, accordingly, this Court does not find any merit in this application and is dismissed.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2020
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