

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15972 of 2021**

Arising Out of PS. Case No.-96 Year-2017 Thana- LALGANJ District- Vaishali

CHANDAN KUMAR S/o Mithilesh Sharma R/o village- Barbanna, Ward No. 3, P.O. and P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 28-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present application has been filed under Section 482 of the Cr.P.C. for quashing of the entire proceeding of Lalganj P.S. Case No. 96 of 2017 including the charge-sheet dated 10.05.2017 which has been submitted by the police after investigation under Sections 420, 504, 294, 506, 501(kha) and 34 of the Indian Penal Code and Sections 62 and 66(D) of the I.T. Act.

On bare perusal of the records, it manifests that the F.I.R. has been instituted in the year 2017 and thereon police after examining seven witnesses has submitted chargesheet bearing No. 355 of 2018 in the year 2018 whereas the present application has been filed in the year 2021 after lapse of more than two years for quashing the entire proceeding and the charge-sheet.

This Court, taking note of date of institution of F.I.R,



chargesheet and the filing of this application, while entertaining this application was under apprehension that cognizance must have been taken in this case, however, the learned counsel for the petitioner has not been in a position to address the Court on the point of cognizance. Therefore, this Court being satisfied with charge-sheet filed by the police after proper examination of witnesses, who are said to be seven in numbers, prima facie found that case as alleged in F.I.R. is made out against the petitioner.

In such view of the matter, this Court in exercise of power under Section 482 Cr.P.C. can not consider the contention of the petitioner contended in the application, at this stage, so as to examine the correctness of the allegations made in the F.I.R. rather the same is to be ascertained by a regular trial. Therefore, this Court does not feel incline to interference in the matter in exercise of powers conferred under Section 482 of the Cr.P.C. Hence, the application stands dismissed, accordingly.

However, the petitioner is at liberty to raise all the points as raised in this application at the appropriate stage in accordance with the law.

(Rajesh Kumar Verma, J)

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