

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 34653 of 2021**

Arising Out of PS. Case No.-315 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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RAMASHRAY SINGH Son of Late Lalo Singh Resident of Village -
Sithaura, P.S.- Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Singh @ Guddu Son of Sudhir Singh Resident of
Village - Sithaura, P.S. Rajgir, District - Nalanda.
3. Sudhir Singh Son of Late Lalo Singh Resident of Village - Sithaura, P.S.
Rajgir, District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Chandra Sekhar Sharma, Advocate

For the Opposite Party/s : Mr Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 28-04-2022

Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State of Bihar.

2 The petitioner has assailed the order taking cognizance
under Sections 182 and 211 of Indian Penal Code.

3 The genesis of the order is Complaint Case No 315C
of 2017 wherein the petitioner had made certain allegations against
the two opposite parties. After investigation, the police has found
the case to be false and final form has been submitted



recommending action for malicious prosecution against the instant petitioner. Pursuant thereto, the Court has taken cognizance vide order dated 02.11.2018 which is impugned in the instant proceedings.

4 Petitioner's counsel submits that the final form has been accepted without giving the petitioner an opportunity of hearing in the matter. There is no material on record to sustain the petitioner's submissions, either based on any statutory requirement as such, or from the order sheet of the Court below from which only it could be seen whether the petitioner (initially complainant in the said case) was appearing or taking steps; and whether or not he was knowing about submission of final form.

5 Be that as it may, the order taking cognizance is based on the final report, filed by the police pursuant to the investigation and the petitioner would have his remedy at the appropriate stage to meet the allegations.

6 No case is made out for quashing of the order dated 02.11.2018 taking cognizance.

7 Since no infirmity has been found in the order taking cognizance, this Court would observe that there is no reason to interfere with the order dated 07.12.2019 passed in revision



application by Assistant Sessions Judge I, Nalanda, Bihar Sharif
confirming the order of taking cognizance against the petitioner.

8 This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
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