

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17550 of 2018

Arising Out of PS. Case No.-122 Year-2016 Thana- RAGHOPUR District- Supaul

Dr. Shiv Mangal Singh, Son of late Binayak Prasad Singh, Resident of Village -Dumra, P.S. Bhawanipur, District- Purnea, at Present Posted in Referral Hospital, Raghapur, P.S. Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. State of Bihar
2. Sri Deepak Kumar Ram Son of Bindeshwari Ram Drug Inspector, Resident of Village and P.O. Bargaon, P.S. Basnahi, District Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 25-08-2022

Heard learned counsel for the petitioner and learned APP for the State.

In the present case, the petitioner is challenging the cognizance order dated 03.05.2017 passed by learned Additional Chief Judicial Magistrate, Birpur, Supaul whereby cognizance has been taken against the petitioner for the alleged offence under Sections 269, 275, 276 of the Indian Penal Code and Section 27 (b) (ii), 27 (d) of Drugs and Cosmetics Act, 1940 in connection with Raghapur P.S. Case No. 122 of 2016.

The petitioner has challenged the cognizance order disputing the facts and it is well settled preposition of law that this Court would not go into the disputed questions of facts while



exercising its power under Section 482 Cr.P.C. It has no jurisdiction to examine the correctness or otherwise of the allegation.

The aforesaid propositions were laid down by the Supreme Court in the case of *Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi, AIR 1976 SC 1947* and *Madhavrao Jiwagi Rao Sciendia Vs. Sambhajirao Chandiojirao Angre, AIR 1988 SC 709* and quoted with approval in the case of *State of Haryana and Others Vs. Bhajan Lal and Others, AIR 1992 SC 604*.

Now, from the facts of the present case, it is obvious that the petitioner wants to invoke the inherent jurisdiction of this Court under Section 482 Cr.P.C. to test the veracity of the facts since he has controverted the same with another set of the facts. I am afraid the petitioner could not succeed in getting any relief from this Court as this Court lacks jurisdiction to examine the correctness of the allegation. Furthermore, the case of the petitioner is also not covered under any of the guidelines as enumerated by the Supreme Court in *Bhajanlal's case* (Supra).

Having regard to the aforementioned discussions, I am of the considered view that there is no merit in the case of the petitioner and hence the same is dismissed.

However, the learned trial court is directed to



expedite the trial without giving any undue adjournment to either
of the parties.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.08.2022
Transmission Date	25.08.2022

