

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51529 of 2021**

Arising Out of PS. Case No.-119 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

1. MD. TASLIM @ TASLIM RAY Son of Moram Ray Resident of Village-  
Haflaganj, P.S.- Muffasil, District- Katihar.
2. Md. Imran Ray @ Imbran Ray Son of Wazid Ray Resident of Village-  
Haflaganj, P.S.- Muffasil, District- Katihar.
3. Kaili Khatoon Wife of Md. Taslim @ Taslim Ray Resident of Village-  
Haflaganj, P.S.- Muffasil, District- Katihar.
4. Md. Miraj Ray @ Md. Raj Son of Jalal Ray Resident of Village- Haflaganj,  
P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

2      05-05-2022                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

Being aggrieved by the order dated 22.07.2021 passed  
by the learned Sessions Judge, Katihar in Criminal Revision No.  
06 of 2021, whereby the learned Judge has dismissed the  
revision petition filed by the revisionists-petitioners herein, the  
petitioners have approached this Court by way of present  
application under Section 482 of the Cr.P.C. for quashing of the  
order impugned.

The revision petition has been directed against the  
order dated 12.08.2020 passed by the court of Judicial



Magistrate-1st Class No.-II, Katihar, by which the learned Magistrate has taken cognizance for the offences punishable under Sections 147, 148, 341, 323, 307, 302 and 324 of the Indian Penal Code against the petitioners and directed to issue summons.

The crux of the case in hands is that the learned Magistrate has taken cognizance for the offences punishable under Sections 147, 148, 341, 323, 307, 302 and 324 of the Indian Penal Code against the petitioners and directed to issue summons differing with the charge-sheet submitted by the police only against one accused person namely Md. Jalal Rai exonerating the petitioners herein from the charges leveled in the F.I.R. keeping the investigation pending for other five accused persons.

This Court, considering the issue herein and without diving deep in to the merits of the facts on which concurrent finding of courts is there, confines it to the extent that whether the impugned order suffers from any infirmity or irregularity or any impropriety or not.

Having perused the material available on record and the deep perusal of the impugned order as well as the order taking cognizance, this Court, primarily, comes to an observation that revisional court has rightly exercised its jurisdiction after going through the material fact of the case and has rightly observed that the at the stage of taking cognizance, the learned



Magistrate is only required to satisfy himself as to whether a *prima facie* case is made out or not for proceeding against the accused. Even mere suspicion is sufficient to proceed against the accused and the final report of the police shall not be the binding over the Magistrate while taking cognizance of the offences for which the accused has been charged.

Accordingly, in such view of the matter, the impugned order under challenged passed by the revisional court does not warrant any interference of this Court in exercise of powers conferred under Section 482 of the Cr.P.C.

Accordingly, this criminal miscellaneous application, being devoid of merit, is dismissed.

However, it is observed that since the charge has not been framed in this case, the petitioner is at liberty to raise all the points at the time of framing of charge by filing a petition under Section 227 of the Criminal Procedure Code.

**(Rajesh Kumar Verma, J)**

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