

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7625 of 2017**

Arising Out of PS. Case No.-88 Year-2014 Thana- KATEYA District- Gopalganj

Nawnit Ranjan @ Chintu Rai S/o Amresh Rai, Resident of Village-Khurhuria,  
P.O.-Jaishauli Via Kateya, P.S.- Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      19-09-2023                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 09.09.2016 passed by the learned C.J.M., Gopalganj in Kateya P.S. Case No. 88 of 2014 (giving rise to Trial No. 90 of 2016/86 of 2017) whereby the learned Magistrate has taken cognizance of offence under Sections 279, 304(A), 337 and 338 of the Indian Penal Code against the petitioner.

3. The learned counsel for the petitioner submits that the order taking cognizance is mechanical and it appears that blank space has been filled. It is also submitted that the work 'Cog' has been used instead of cognizance which further



demonstrates that there is complete non application of judicial mind. It is further submitted that an FIR came to be instituted by the informant on 01.05.2014 alleging therein that she along with her brother-in-law were going on a motorcycle to their relative place for attending the marriage and when they reached near Khurhuria *More* at 07:00 PM, a tractor came and dashed their motorcycle and the brother-in-law died on the spot and the informant sustained injury causing fracture of her right leg, accordingly, an FIR was instituted against unknown. It is next submitted that during the course of investigation, the informant stated before the police that she came to know that it was the son of the owner of the tractor i.e. the petitioner who was driving the vehicle based on which the petitioner came to be implicated and thereafter the police investigated the case and submitted charge sheet under the aforesaid section based on which cognizance came to be taken.

4. The learned counsel next submits that even the investigation carried by the police was mechanical.

5. The learned APP for the State, Mr. Chandra Bhushan Prasad, vehemently opposes the quashing application and submits that what is not in dispute rather stands admitted is that one person died whether it was petitioner who was driving



the vehicle on account of which he died or someone else was driving the vehicle which led to the occurrence, is an issue which can be adjudicated in a duly constituted trial, but definitely at the stage of cognizance, the Court should refrain from interfering with the order of cognizance. It is next submitted that even from perusal of the order of cognizance, it would manifest that the learned Magistrate has recorded that he has perused the record and thereafter he has taken cognizance of the offences as recorded hereinabove.

6. At this stage, the learned counsel for the petitioner submits that the charges, till date, have not been framed.

7. The Court completely fails to appreciate that as to why the case is pending for framing of charge when cognizance was taken on 09.09.2016.

8. Let a copy of this order be sent to the learned District Judge for expediting the case.

**9. Accordingly, the present quashing application stands rejected.**

**(Satyavrat Verma, J)**

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