

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51963 of 2015

Arising Out of PS. Case No.-26179 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Prem Shankar Singh, son of Upendra Singh, Resident of Indo Hiroshima Hospital, Saguna More, P. S.: Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanjay Kumar, son of Ramanand Mehta, Resident of Rajeev Nagar, Road No.18, P.S. Rajeev Nagar, District: Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary- APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner submits that charges, till date, has not been framed after cognizance was taken by order dated 02.06.2014 under Sections 323, 379 and 506 of the I.P.C.

3. The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the complaint, it would manifest that the complainant falsely implicated the petitioner in the present case and the Court also in a mechanical manner took cognizance of the offence based on the evidence brought by the complainant during the course of inquiry.



4. The learned Additional P. P. vehemently opposes the quashing application and submits that what the petitioner contends is his defence, but the material, which was there before the learned Magistrate, it is based on those material that cognizance has been taken.

5. The learned Additional P. P. next submits that charges have not been framed, as such, petitioner can avail his remedies at the time of framing of charge by bringing the relevant facts to the notice of the Court as the scope at the time of considering discharge is much more than the scope which is present at the stage of taking cognizance.

6. Considering the submission made by the learned Additional P. P., the Court is not inclined to entertain the quashing application.

7. Accordingly, the quashing application stands rejected.

(Satyavrat Verma, J)

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