

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31616 of 2015

Arising Out of PS. Case No.-1244 Year-2012 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Marghi Devi Wife of Late Sakhichand Sah.
 2. Parwati Devi, Wife of Ram Narayan Sah.
 3. Rajendra Yadav, Son of Late Bechan Yadav.
 4. Tribeni Gupta, Son of Late Bhubneshwari Sah, Resident of village-Majrahat, P.S.- Singheshwar, District- Madhepura.
 5. Ram Narayan Sah, Son of Late Sakhichand Sah, Petitioner No. 1,2,3 and5 Resident of village- Jaihat Sabella, P.S.- Singheshwar, District- Madhepura.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Anil Sah, Son of Siyaram Sah, Resident of village- Jaihat Sabella, P.S.- Singheshwar, District- Madhepura.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Singh No.-5, APP
For the informant	:	Mr. Shashi Dhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioners, the learned
APP for the State as also the learned counsel for the informant.

The petitioner has moved this Court for quashing of the order dated 23.10.2013 passed by the learned Judicial Magistrate, Ist Class, Madhepura in Complaint Case No.1244 of 2012 under Sections 323, 379, 504, 34 of the IPC.

Aggrieved by the cognizance taken under Section 379 of the Criminal Code, the petitioner moved before the learned Sessions Judge in Cri. Revision No.29 of 2014 (Annexure-1 of the petition) and the learned court vide a reasoned order dropped



that part of the cognizance order which related to Section 379 of the IPC. Aggrieved, the present petition.

This Court has gone through the order sheet from which it is clear that the sole ground taken by the petitioner before the learned Sessions Judge, Madhepura was that the learned Judicial Magistrate erred in taking cognizance under Section 379 of the IPC. No such averment in the petition was that the entire cognizance order is bad.

Learned counsel for the petitioners submit that it was the error on the part of the learned counsel who presented the case before the learned Sessions Judge, Madhepura and that does not debar the petitioners from moving before this Court for quashing of the other sections of the IPC also.

This is a bizarre submissions put forward by the learned counsel for the petitioners.

The counsel who was appearing on preferred the petition on the instructions of the petitioners that so far as Section 379 of the IPC is concerned, the same is not made out and accordingly, he is successfully fought the case. Now to turn around and say that it was fault on behalf of the learned counsel appearing before the learned Sessions Judge that the quashing of entire sections were not sought for, the same is fit to be rejected.



On facts, having gone through the entire case as also the order passed by the learned Sessions Judge, Madhepura in Cri. Revision No.29 of 2014, this Court does not found any error in it.

The petition under Section 482 is misconceived and is accordingly dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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