

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33485 of 2017

Arising Out of PS. Case No.-291 Year-2015 Thana- GRIYAK District- Nalanda

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Dinesh Raut Son of Late Rambriksha Raut, R/o Village- Tarauni, P.S.- Katri Sarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sanjay Raut Son of Madan Raut,
3. Chandan Raut S/o Aslok Raut, Both 2 and 3 are Resident of Village- Tarauni , P.S.- Katri Sarai, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr.Sri Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

None appears for Opposite Party Nos. 2 and 3 despite
valid service of notice.

This application has been filed for quashing of order
dated 11.01.2017 passed by learned A.C.J.M-VI, Nalanda at
Bihar Sharif in connection with Giriyaak (Katri Sarai) P.S. Case
No. 291 of 2015 by which learned Magistrate has taken
cognizance for the offences under Sections 341, 323, 325, 307,
337, 504 and 34 of the Indian Penal Code.

Final Form has been submitted by the police in
favour of opposite party no. 2 and 3 which has been accepted by



learned Magistrate without hearing the petitioner.

From the impugned order it appears that the Final Form submitted by police on 06.01.2017 and it has been considered on 11.01.2017. From the order it does not reflect that opposite party no. 2 was issued notice.

In view of the above, this application is allowed and the impugned order dated 11.01.2017 passed by learned A.C.J.M-VI, Nalanda at Bihar Sharif is hereby quashed so far as acceptance of the Final Form submitted by the police in favour of opposite party no. 2 and 3 is concerned.

The petitioner will appear in the court below on 08.08.2023 with the certified copy of this order and the court below will hear the petitioner on the point of cognizance against the two persons against whom no cognizance has been taken by learned Magistrate and thereafter, pass an appropriate order in accordance with law.

With aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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