

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50326 of 2018

Arising Out of PS. Case No.-176 Year-2013 Thana- BIHAR District- Nalanda

=====

Anuradha Kushwaha Daughter of Late Rajendra Prasad Kushwaha, Resident of Village- Chhoti Pahari, P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. State of Bihar
2. Krishn Nandan Prasad, Son of Chandrika Prasad, Resident of Mohalla-Bradari, P.S.- Biharsharif, District- Nalanda.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 01-05-2024 An application for discharge under Section 239 of the CrPC was filed before the trial court by the petitioner in Trial No. 1446 of 2018, G.R. No. 1679 of 2013. The said application was rejected by the learned Chief Judicial Magistrate, Nalanda on 27th June 2018. The petitioner has approached this Court to invoke its power under Section 482 of the CrPC for quashing of the impugned order dated 27th June 2018.

2. I have heard Mr. Rakesh Kumar, learned counsel for the petitioner and Mr. Sri Ganesh Prasad Singh, learned counsel for the respondents.

3. The instant application is pending since 2018,



therefore, this Court takes up the instant application for disposal of the same on merit, on the basis of the materials on record.

4. On perusal of the impugned order dated 27th June 2018, it appears to this Court that the application under Section 239 of the CrPC was rejected by the concerned learned Chief Judicial Magistrate, because of the fact that the petitioner was not represented by his learned Advocate in the trial court to move the said application under Section 239 of the CrPC. Thus, the application under Section 239 of the CrPC was not disposed of on merit.

5. Accordingly, the impugned order dated 27th June 2018 cannot be challenged under the inherent jurisdiction of this Court under Section 482 of the CrPC.

6. In view of the above observation, the instant application under Section 482 of the CrPC is considered and dismissed accordingly.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U		T	
---	--	---	--

