

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58948 of 2023

Arising Out of PS. Case No.-239 Year-2016 Thana- SUPAUL District- Supaul

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Dinesh Kumar @ Dinesh Kamat S/O Late Budhi Kamat R/O Village- Ward
No.5, Tharhi Bhawanpur, Ps. Pipra, Dist. Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ghanshyam Choudhary S/O Late Chhedan Choudhary R/O Village- Naya
Bazar, Ward No. 02, P.O. And Ps. And Dist. Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the State : Ms.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-07-2024 Heard the parties.

2. The present application has been filed for quashing
the order dated 21.04.2017 passed by learned Chief Judicial
Magistrate, Supaul in Supaul P.S. Case No. 239 of 2016 (G.R.
Case No. 827 of 2016) by which cognizance of offence was
taken under Section 379/411 of the Indian Penal Code.

3. The application has been filed on 30.08.2023
challenging the cognizance order which has been passed on
21.04.2017.

4. In the opinion of this Court, this application cannot
be entertained on the ground of delay and laches.

5. This application is dismissed with liberty to the



petitioner to raise all the grounds at the stage of framing of charge. If such an application is filed before the Special Judge, the Special Judge will pass a reasoned order in accordance with law in light of the law laid down by the Hon’ble Supreme Court in the case of **Kanchan Kumar Vs. State of Bihar** reported in **(2022) 9 SCC 577**.

6. The petitioner is also given liberty to move for compounding before the competent authority.

(Sandeep Kumar, J)

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