

Ashok Kumar, and ors. Vs. State of Bihar.

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Court : Patna

Decided On : Jul-19-2010

Judge : Rakesh Kumar, J.

Acts : Code of Criminal Procedure (CrPC) - Section 482; Indian Penal Code (IPC)
- Sections 323, 341, 379, 307

Appeal No. : CRIMINAL MISCELLANEOUS No.20618 OF 2000

Appellant : Ashok Kumar, and ors.

Respondent : State of Bihar.

Advocate for Def. : Mrs. Veena Rani Prasad, Adv.

Judgement :

1. On repeated call, none appeared on behalf of the petitioners either to press this petition or to make a prayer for adjournment.
2. Three petitioners, while invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 1.7.2000 passed by the learned Magistrate in G.R. No.499 of 1999/Tr. No.1031 of 2000 arising out of Rahui P.S.Case No.35 of 2000. By the said order, the learned Magistrate has taken cognizance of offence under Sections 323, 341 and 379 of the Indian Penal Code.

3. In absence of learned counsel for the petitioners, I have perused the materials available on record. It appears that the F.I.R. was lodged against four accused persons including the petitioners for offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code. However, after investigation, police found the case true against only one accused, namely, Krishna Sao for offence under Sections 341 and 323 of the Indian Penal Code and the petitioners were not forwarded for trial. After filing of the charge sheet against accused Krishna Sao, the informant appeared through his advocate and after hearing learned counsel for the informant and perusing the F.I.R., charge sheet and case diary, the learned Magistrate has taken cognizance of offence even against three petitioners beside accused Krishna Sao.

4. I have perused the impugned order. I do not find any defect in the impugned order particularly while considering the present petition, which has been filed under Section 482 of the Code of Criminal Procedure.

5. Accordingly, the petition stands rejected.

6. In view of rejection of this petition, interim order of stay dated 13.2.2002 stands automatically vacated.

7. Let a copy of this order be sent to the court below forthwith.

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