

Sadanand Singh and ors Vs. State of Bihar and anr

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Court : Patna

Decided On : May-24-2012

Appellant : Sadanand Singh and ors

Respondent : State of Bihar and anr

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.43982 of 2008

===== 1.

Sadanand Singh, son of Late Matuk Nath Singh, resident of village- Kasba, P.S. Shambhuganj, District-Banka, presently, residing at Minto Park, Government Housing Estate Flat No.42, 4 th Floor, 247/14 J.C. Bose Road, Kolkatta-27.

2. Subash Chandra Singh, son of Late Basudeo Narayan Singh, resident of village-Surkhikal, P.S. Tilakmanjhi, District-Bhagalpur, presently posted as Headmaster in Anup Devi Girls High School, Kasba, P.S. Shambhuganj, District-Banka.

3. Ranjit Kumar Das @ Ranjit Sinha, son of Arun Chandra Das, resident of village-Kasba, P.S. Shambhuganj, District-Banka. Petitioners. Versus 1. The State Of Bihar.

2. Manju Sharma, wife of Somesh Sharma, resident of village- Kasba, P.S. Shambhuganj, District-Banka. Opposite Partyies.

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Appearance : For the Petitioners : Mr. Ajit Kumar Singh No.2, Advocate. For the State : Mr. Jharkhandi Upadhyay, A.P.P. For the O.P. No.2 : Mr. Najmul Hoda, Advocate. =====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA ORAL ORDER (Per: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA)

24. 01-2012 Heard the parties. The petitioners have approached this Court under Section 482 of the Code of Criminal Procedure to quash the order dated 11.6.2007 passed in Complaint Case No.757 of 2007 by the court of Sri Anil Kumar, Judicial Magistrate, First Class, Banka, summoning the accused-petitioners under Section 202 of the Code of Criminal Procedure, on inquiry, finding prima facie case under Sections 323 and 379 of the Indian Penal 2 Patna High Court Cr.Misc. No.43982 of 2008 (4) dt.24-01-2012 2/3 Code against the accused-petitioners and also the order dated 16.9.2008 passed by the Additional Sessions Judge, Fast Track Court not III, Bhagalpur, dismissing the Criminal Revision No.189 of 2007, as preferred by the accused-petitioners against the aforesaid order dated 11.6.2007, affirming the summoning order dated 11.6.2007. Learned counsel appearing on behalf of the petitioners submits that the petitioners were not present on the alleged date on the place of occurrence rather they were at Kolkatta and they have been falsely implicated in this case due to dispute and grudge. Perused the order dated 11.6.2007 passed by the court of Sri Anil Kumar, Judicial Magistrate, First Class, Banka, in Complaint Case No.757 of 2007 and also the order dated 16.9.2008 passed by the Additional Sessions Judge, Fast Track Court not III, Bhagalpur, in Criminal Revision No.189 of 2007. There is nothing in both the orders to show the abuse of the process of the court for interference by this Court in inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, this application stands dismissed. So far as the submission of the learned counsel for the petitioners are concerned, the petitioners would be at liberty to 3 Patna High Court Cr.Misc. No.43982 of 2008 (4) dt.24-01-2012 3/3 raise their defence at the appropriate stage during the course of the trial in the court below. (Rajendra Kumar Mishra, J.) P.S./-