
(2010) 04 PAT CK 0120
In the Patna High Court

Banshi Prasad

APPELLANT

Vs

The State of Bihar and Dr. Birendra Prasad Sinha

RESPONDENT

Date of Decision : 22-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 174, 323, 380, 427, 448

Citation : (2010) 04 PAT CK 0120

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—No one appears on behalf of the petitioner.

2. The sole petitioner, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, has prayed for quashing of the order dated 26.5.1999 passed by the learned Judicial Magistrate, 1st Class, Hilsa, Nalanda. By the said order dated 26.5.1999, the learned Magistrate had taken cognizance of offence under Sections 174, 323, 448, 504, 427, 380/84 of the Indian Penal Code.

3. I have perused the complaint petition and the impugned order. The learned Magistrate on the basis of complaint petition, statements of complainant recorded on S.A. and evidence of witnesses, who supported the case of the complainant, has taken cognizance of the offences as mentioned above.

4. I do not find any error in the order of cognizance nor there is any material on record warranting exercise of power u/s 482 of the Code of Criminal Procedure by this Court in favour of petitioner. Accordingly, I do not find any merit in the petition and the petition stands rejected.

5. By the order dated 8.9.1999 while issuing notice to Opp. Party no. 2 to Opp. Party no. 2, this Court had directed that during the pendency of this application, further proceedings in Complaint Case No. 184(C)/1999 in the court below, shall

remain stayed. Subsequently, on 14.2.2000, the petition was admitted for hearing and again it was directed that pending hearing of this application, further proceeding in Complaint Case No. 184(C)/1999 pending in the court of Judicial Magistrate, 1st Class, Hilsa, Nalanda, shall remain stayed. Since the Complaint Case number was incorrectly mentioned as 184(C)/1999, an Interlocutory Application was filed for making correction and, as such, by order dated 9.5.2000 in place of Complaint Case No. 184(C)/1999 the correct case number as Complaint Case No. 174(C)/99 was recorded. The order of stay is still continuing.

6. In view of the rejection of the present petition, the interim order of stay dated 1.5.2000 stands automatically vacated.

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