
(2003) 05 PAT CK 0029
In the Patna High Court
Case No : Cr. Misc. No. 14396 of 2001

Chandradeo Singh @ Mukhiya

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 05-05-2003

Acts Referred:

Citation : (2003) 05 PAT CK 0029

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. By the order impugned, prayer of the Petitioner for discharge in terms to Section 227 of the Code of Criminal Procedure (hereinafter to be referred to as "Code) has been rejected.

3. Learned Counsel appearing on behalf of the Petitioner submitted that the learned Sessions Judge has not assigned any reason in rejecting the prayer of the Petitioner and more so, there is no direct allegation of commission of offence under Sections 302 and 201 of the Indian Penal Code against the Petitioner.

4. I have perused the first information report and the materials on record, where from prima facie case is made out against the Petitioner. The requirement of Sections 227, 239 and 245 of the Code is to sift evidence on record only for limited purpose of ascertaining whether a prima facie case is made out against the Petitioner and at this stage, the court is not required to undertake an elaborate inquiry in sifting and weighing the material to arrive at the conclusion that it will not lead to conviction.

5. In this connection reference may be made to the cases of R.S. Nayak Vs. A.R. Antulay and Another, State of Maharashtra Vs. Priya Sharan Maharaj and Others, and State of M.P. Vs. S.B. Johari and Others,

6. Since prima facie case is made out against the Petitioner from the materials on record, the order impugned passed by the learned Sessions Judge cannot be

said to be erroneous or wholly without jurisdiction.

7. For the reasons aforementioned, therefore, I do not find any merit in this application.

8. It is accordingly, dismissed.

9. However, this order will not prejudice the trial of the Petitioner.