

(2010) 04 PAT CK 0012

In the Patna High Court

Hansa Devi and Others

APPELLANT

Vs

The State of Bihar and Nawal Kumar Singh

RESPONDENT

Date of Decision : 20-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Penal Code, 1860 (IPC) — Section 147, 148, 323, 420, 427

Citation : (2010) 04 PAT CK 0012

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—On 15.4.2010, when the case was called out, none appeared on behalf of the petitioners. However, as a last indulgence, the case was adjourned for a day.

2. Today again, when the case was called out, none has come forward to press the petition.

3. Five petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, had prayed for quashing of the order dated 12.2.1999 passed by Sub Divisional Judicial Magistrate, Saran at Chapra in Complaint Case No. 1230 of 1996 (G.R. No. 3878 of 1996). By the said order, learned Sub Divisional Judicial Magistrate has taken cognizance for the offence under Sections 147, 148, 323, 427, 448, 420, 456, 468, 471, and 504 of the Indian penal Code.

4. I have examined the materials available on record as well as impugned order of cognizance. I do not find any error in the order of cognizance. I am not inclined to interfere with the order of cognizance at the initial stage of the criminal case.

5. Accordingly, the petition stands rejected.

6. By order dated 25.8.1999, while admitting the present case in respect of petitioner No. 1 only, this Court had directed that during the pendency of this application, further proceeding only with respect to petitioner No. 1, Hansa Devi, shall remain stayed. It was indicated that trial with regard to remaining accused shall proceed. In view of rejection of the present petition, the interim order of stay granted in favour of the petitioners shall stand automatically vacated.

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