
(2010) 04 PAT CK 0173

In the Patna High Court

Rang Bahadur Singh and Pradeep Singh

APPELLANT

Vs

The State of Bihar and Ajit Singh

RESPONDENT

Date of Decision : 23-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 120B, 408

Citation : (2010) 04 PAT CK 0173

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—Yesterday, on repeated calls none appeared on behalf of the petitioners either to press this petition or to make a prayer for adjournment. However, as a last indulgence the case was adjourned for a day. It was indicated in the order dated 22.4.2010 that in this case order of stay is continuing since 13.8.1999. It was further made clear that if on the next day no one appears on behalf of the petitioners, the case shall be decided on the basis of materials available on the record.

2. Today when the case was called out, none has come forward to press this petition. However, Sri Madhu, learned Counsel appearing on behalf of Opp. Party no. 2 and Sri Hirday Prasad Singh, learned Counsel appearing on behalf of the State are present.

3. Two petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, have prayed for quashing of the order dated 22.3.1999 passed by Sri S.P. Pandey, Judicial Magistrate, 1st Class, Sasaram in Complaint Case No. 884 of 1998. By the said order the learned Magistrate, after examining the complaint petition, statement of the complainant recorded on S.A. and evidence of two complainant's witnesses, by its order dated 22.3.1999. has taken cognizance of the offences under Sections 408 and 120B of the Indian Penal Code and thereafter directed for issuance of process for securing the

attendance of accused persons.

4. I have perused the complaint petition as well as the order of cognizance. I do not find any defect in the order of cognizance and, as such, there is no merit in the petition.

5. Accordingly, the petition stands rejected.

6. In view of rejection of the petition, the interim order of stay dated 13.8.1999 stands automatically vacated.

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