

(2006) 03 PAT CK 0069

In the Patna High Court

Case No : Criminal Miscellaneous No. 30466 of 2002

Ranjit Agrawal @ Tinku Marwari and Others

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 22-03-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227, 482
Penal Code, 1860 (IPC) — Section 147, 307, 337, 353, 379

Citation : (2006) 2 PLJR 381

Hon'ble Judges : Rekha Kumari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rekha Kumari, J.—This is an application filed u/s 482 of the Code of Criminal Procedure for quashing the order dated 30.7.2002 passed by the 4th Additional Sessions Judge, West Champaran at Bettiah in Sessions Trial No. 505 of 1998 by which he has rejected the prayer of the petitioners to discharge them under the provisions of Section 227 Cr.P.C. Heard.

2. The prosecution case, in brief, is that a mob of about 4 to 5 hundred people including the petitioners attacked Ram Nagar Police Station and started breaking the belongings of the police station and the articles kept in the premises and setting them on fire. When they were warned they started pelting brick bats and dispersed only when firing was resorted to.

3. Learned counsel for the petitioners submitted that the informant is not an eye witness to the occurrence and according to the F.I.R. he came to know the names of the petitioners from constables Nawai Ram and Md. Arif Masood but they were not examined by the I.O. during investigation. He further submitted that during investigation no witness has claimed to have identified the petitioners.

4. He further submitted that the allegation made in the F.I.R., is false which is apparent from the fact that one Bacha Kumar Pathak has been named in the

F.I.R. as an accused but he died before the alleged occurrence. His submission further is that the informant is the Officer-in-charge of the Police Station as also the I.O. of the case. It appears that the police after completing investigation submitted charge-sheet under sections 147, 337, 379, 448, 436, 427, 353 and 307 of the Indian Penal Code against the petitioners. Therefore, there is sufficient material in the case diary for proceeding against the petitioners.

5. It is also settled that at the stage of framing of charge meticulous consideration of evidence is not required. Hence, when there is a prima facie case against the petitioners, even if it be assumed that one of the named accused was dead at the time of occurrence, that is no ground to discharge the petitioners.

6. Then even if the informant himself is the I.O. of the case, that would not vitiate the trial. Hence, that is also no ground to discharge the petitioners. Therefore, when from the impugned order it appears that the learned Additional Sessions Judge has found sufficient material for proceeding against the petitioners for the offences as mentioned above, I do not find any reason to interfere with the impugned order. In the result, this application is dismissed.