
(2010) 04 PAT CK 0210
In the Patna High Court

Sarju Singh and Others

APPELLANT

Vs

The State of Bihar and Ram Ekbal Singh

RESPONDENT

Date of Decision : 22-04-2010

Acts Referred:

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

Citation : (2010) 04 PAT CK 0210

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—No one appears on behalf of the petitioners nor any one is present on behalf of Opp. Party no. 2. However, Sri Surendra Prasad Singh, learned Counsel appearing on behalf of the State is present.

2. Five petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, had initially prayed for quashing of Complaint Case No. 295 of 1999 filed by Opp. Party no. 2 and also have prayed for quashing of the order dated 6.4.1999, whereby the learned Chief Judicial Magistrate, Sasaram, Rohtas has transferred Complaint Case No. 295 of 1999 to the Court of Sri P.K. Shukla, Judicial Magistrate, 1st Class, Sasaram for enquiry and disposal. It appears from two supplementary affidavits filed on behalf of the petitioner that subsequent to transfer of the case the complainant was examined on S.A. and in support of the complainant two witnesses were also examined and thereafter, the learned Judicial Magistrate, 1st Class by its order dated 27.8.1999 took cognizance of the offences under Sections 147 and 379 of the Indian Penal Code.

3. Short fact of the case is that a complaint was filed by Opp. Party no. 2 with an allegation that the petitioner by forming an unlawful assembly were harvesting wheat crops and when the complainant objected, he was chased. It was also alleged that accused persons were armed with deadly weapons. One of the

accused persons was carrying a country made gun. In the said occurrence, the accused persons had put the complainant to the loss of about Rs. 4,000/-, which was the amount of wheat.

4. On perusal of the materials available on the record as well as the impugned order dated 27.8.1999, which has been brought on record by filing supplementary affidavit dated 1.9.1999 I am of the view that while taking cognizance, the learned Magistrate has committed no error.

5. Accordingly, in view of the facts and circumstances, I am not inclined to interfere in the present case and the petition stands rejected.

6. In this case by the order dated 8.9.1999 while issuing notice to Opp. Party no. 2, this Court had directed that meanwhile, further proceeding in the court below in complaint Case No. 295 of 1999 shall remain stayed. Subsequently, on 4.12.2000 the case was admitted and it was directed that during the pendency of this application, interim order dated 8.9.1999 passed by this Court shall continue.

7. In view of the rejection of the present petition, the interim order of stay stands vacated.

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