
(2010) 04 PAT CK 0058

In the Patna High Court

Satyendra Choudhary and Others

APPELLANT

Vs

The State of Bihar and Bishwa Mohan Choudhary

RESPONDENT

Date of Decision : 13-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 147, 323, 379

Citation : (2010) 04 PAT CK 0058

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Judgement

Rakesh Kumar, J.—Yesterday, when the case was called out, none appeared on behalf of the petitioners either to press this application or to make a prayer for adjournment. However, it was recorded in the order that if no one appears on the next day on behalf of the petitioners, the case will be decided on the basis of materials available on the record. Today, again when the case was called out, none has turned up on behalf of the petitioners. However, Sri Anand K. Ojha, learned Counsel appears on behalf of Opp. Party No. 2.

2. The petitioners, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, have prayed for quashing of the order of cognizance dated 4.9.1998 passed by Sri Rajesh Kumar, Judicial Magistrate, 1st Class, Bikramganj, Rohtas at Sasaram in Complaint Case No. 143(C) of 1998. By the said order, the learned Magistrate has taken cognizance of offences under Sections 147, 323 and 379 of the Indian Penal Code.

3. It was alleged in the complaint petition that while informant was going to market, he was intercepted by the accused persons and was assaulted. In the said occurrence, it was alleged that Rs. 300/- was forcibly taken from the pocket of the complainant.

4. After enquiry was conducted in the complaint case, the learned Magistrate on the basis of materials available on the record by its order dated 4.9.1998 took cognizance of the offences as mentioned above.

5. I have examined the complaint petition, materials available on the record as well as the order dated 4.9.1998 passed by the learned Magistrate. I do not find that while passing the order of cognizance, the learned Magistrate has committed any mistake.

6. Accordingly, I do not find any merit in this petition and the petition stands rejected.

7. On 13.8.1999 while admitting the present case, this Court had directed that during the pendency of this case, further proceedings in Complaint Case No. 143(C) of 1998 in the court of Shri Rajesh Kumar, Judicial Magistrate, 1st Class, Bikramganj, Rohtas at Sasaram, shall remain stayed.

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

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