
(2010) 10 PAT CK 0038

In the Patna High Court

Case No : Criminal Miscellaneous No. 11470 of 2007

Sri Raghunath @ Raghunath Rai

APPELLANT

Vs

The State of Bihar and Naina Devi

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 379, 506

Citation : (2010) 10 PAT CK 0038

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Judgement

Rakesh Kumar, J.—On call, none appeared on behalf of the Petitioner either to press this petition or to make a prayer for adjournment. It appears that the present petition was rejected twice due to non-prosecution. On 6.7.2007, it was rejected due to non-prosecution, however, it was subsequently restored. Again on 9.10.2007 it was dismissed for non-prosecution and thereafter it was restored.

2. The sole Petitioner while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure has prayed for quashing of an order dated 21.3.2005 passed by the learned Judicial Magistrate, First Class, Patna in Complaint Case No. 1020(c) of 2004. By the said order learned Judicial Magistrate has taken cognizance of offence under Sections 323, 379 and 506 of the Indian Penal Code.

3. On perusal of the complaint petition and the impugned order, the Court is satisfied that the learned Judicial Magistrate has committed no error. The complaint petition discloses commission of the offence and the learned Judicial Magistrate has rightly taken cognizance of the offence. Accordingly, I do not find any merit.

4. The petition stands rejected.

5. In view of the rejection of this petition interim order of stay dated 8.4.2009

stands automatically vacated.