

IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr. M. P. No. 1600 of 2012

Kamlesh Kumar Kanodia Petitioner(s)

Versus

1.The State of Jharkhand
2.Dinesh Kumar Manjhi Opp. Party(s)

CORAM: HON'BLE MR. JUSTICE R. R. PRASAD

For the Petitioner(s) : M/s K. P. Deo, Advocate.
Rajesh Kumar, Advocate.
For the State : A.P.P.

05 /30.10.2012. Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

The order dated 02.07.2010, passed in Jarmundi /Hansdiha P.S. Case No.195 of 2009 corresponding to G.R. No.1497 of 2009 (T.R. No.407 of 2012), under which cognizance of the offence has been taken against the petitioner under Sections 323 and 504 of the Indian Penal Code is being sought to be quashed on the ground that the learned Magistrate does not have any power to take cognizance when the Police had submitted final form, exonerating the petitioner from the accusation.

I do not find any substance in the submission advanced on behalf of the petitioner as it has been well settled that in spite of submission of the final form, the learned Magistrate can take cognizance of the offence, if the material collected during investigation discloses commission of the offence by the petitioner and hence, I do not find any illegality in the order taking cognizance passed by the trial court.

Accordingly, this application stands dismissed.

In the facts and circumstances, stated above, let the trial be expedited so as to be concluded within six months.

(R. R. Prasad, J.)

Sandeep/