

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52112 of 2013

Arising Out of PS.Case No. -67 Year- 2002 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Jitendra Prasad Gupta Son Of Dhrub Lal Gupta @ Dhrub Prasad Gupta Resident Of
Village- Jai Prakash Nagar, I T I Colony Road No.-3, P.S. Bettiah Muffasil,
District- West Champaran At Bettiah

..... Petitioner/s

Versus

1. The State Of Bihar
2. Arman Ansari Son Of Late Lal Mohammad Resident Of Village- Jagiraha (Pipra Naurangia), P.S.- Jogapatti, District- West Champaran, Presently In Front Of New Bus Stand, Bettiah, P.S.- Bettiah Town, District- West Champaran

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. J.N. Sinha
Mr. Rashmi Bharti
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

CAV JUDGMENT

Date: 28-02-2018

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Cr. P.C., has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 24.08.2013, passed by the *Adhoc* Additional Sessions Judge-IV, Bettiah, West Champaran in Sessions Trial No. 17 of 2012 arising out of Bettiah Town P.S. Case No. 67 of 2002, whereby and whereunder the application filed under section 227 of the Cr. P.C. for discharge of



the petitioner from the aforesaid case under section 302 of the Indian Penal Code and section 27 of the Arms Act has been refused.

Submission of learned counsel for the petitioner is that the present case is filed with a view to harass the petitioner. It is out and out a false case, which is evident from the present F.I.R. itself. Neither petitioner is named in the F.I.R., nor suspicion has been raised against him. He was juvenile on the alleged date of occurrence. After investigation, the Police submitted Final Form. Thereafter, the learned Magistrate took cognizance against the petitioner. No case is made out under section 302 of the I.P.C. and section 27 of the Arms Act. Learned counsel submits that the order passed by the Court below is not supported by materials on record and is fit to be quashed in the interest of justice.

Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case, there appears no force in the arguments advanced by the learned counsel for the petitioner. The order impugned, whereby the Court below dismissed the application filed under section 227 of the Cr. P.C. and refused to discharge the petitioner, is a revisable order and in view of the fact that the applicant has an alternative remedy to file a revision against the same, this Court is not inclined to interfere in



the matter by exercising its extraordinary jurisdiction under section 482 of the Cr. P.C.

Accordingly, the application is dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	13.10.2017
Uploading Date	
Transmission Date	

