

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19616 of 2015

Arising Out of PS.Case No. -3716 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Md. Afroz, S/o Md. Hasim, R/o Vill - Patori Bazar, P.O.- Panchgachiya, P.S.-
Bihara Bazar, Distt.- Saharsa. Petitioner

Versus

1. The State of Bihar.
2. Bibi Heena Kaishar, D/o Md. Islam @ Islammudin, R/o Vill.- Uprail, P.O.-
Khokha, P.S.- Kritya Nagar (Sri Nagar), Distt.- Purnea. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate
For the Opposite Party/s : Mr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present application filed under Section 482 of the
Code of Criminal Procedure challenge is to the order dated
22.5.2013 passed by the learned Sub-Divisional Judicial
Magistrate, Purnia in C.A. No. 3716 of 2012 whereby finding a
prima facie case to be made out under Section 498A of the Indian
Penal Code as well as Section 4 of the Dowry Prohibition Act, the
petitioner has been summoned to face trial.

The allegations made in the complaint petition do
attract the ingredients of the offences for which cognizance has

been taken. The allegations have duly been supported by the complainant in her statement made on oath as well by the witnesses examined in course of inquiry.

It has been contended that the petitioner has already divorced the complainant and the said divorce has been certified by the Imarat-E-Sharia Fulwarisharif. Further, there is no truth behind the allegations and the complaint in question is attended with ulterior motive.

Be that as it may, the defence of the petitioner can not be a ground to quash the summoning order. At the stage of taking cognizance, it has to be seen as to whether a prima facie case is made out or not. The learned Magistrate has passed the order after taking into consideration the materials available on record.

In that view of the matter, I find no merit in the present application. Accordingly, it is dismissed.

However, the petitioner may raise all the points available to him at the stage of framing of charge before the Court below.

(Ashwani Kumar Singh, J.)

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