

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3801 of 2015

Arising Out of PS.Case No. -246 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Jitendra Chaubey son of Harendra Chaubey
2. Sanjay Kumar Chaubey son of Chandrika chaubey
Both are residents of Lal Saraiya, P.S-Majhauriya, District-West
Champanan.

.... Petitioner/s

Versus

1. The State of Bihar
2.Neha Devi daughter of Anil Tiwary, resident of village- Karnamaya, P.S-
Bettiah (Muffasil), District-West Champanan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**
ORAL ORDER

3 05-08-2015 In the instant application filed under section 482 of the

Code of Criminal Procedure (for short “the Code”), the petitioners
seek quashing of the order dated 29.10.2014 passed by the learned
Sub-Divisional Judicial Magistrate, Bettiah, West Champanan in
Special Case No.652 of 2011/493 of 2013 arising out of
Complaint Case No.246C of 2011 whereby the learned Magistrate
has summoned the petitioners to face trial for the offences
punishable under section 498A of the Indian Penal Code as well as
sections 3 and 4 of the Dowry Prohibition Act.

From perusal of the impugned order dated 29.10.2014 it
would appear that the learned Magistrate has summoned the

petitioners after taking into consideration the statement of the complainant on oath and the statements of the witnesses examined in course of enquiry under section 202 of the Code.

In the present application neither the statement of the complainant nor the statements of the witnesses examined in course of enquiry has been brought on record. In absence of those documents, I find it difficult to adjudicate this application on merit.

In that view of the matter, the application is disposed of with liberty to the petitioners to file another application in the same subject matter after bringing on record all the relevant documents on the basis of which the learned Magistrate passed the impugned order.

(Ashwani Kumar Singh, J)

Md.S./-

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