

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1310 of 2015

Arising Out of PS.Case No. -181 Year- 2013 Thana -GAYA MUFFSIL District- GAYA

Md. Khalid Khan @ Md. Khalid, son of Md. Shamim, resident of Mohalla- Abgila
Pahartali, P.S.- Mofassil, District- Gaya. Petitioner.

Versus

1. The State of Bihar.
2. Afsana Khatton, D/o Hawaldar Khan, resident of Mohalla- Abgila Pahartali,
P.S.- Mofassil, District- Gaya. Opposite Parties.

Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Adv.

For the State : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-09-2015

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

In the instant application filed under Section 482 of
the Code of Criminal Procedure, the petitioner has challenged the
order dated 15.01.2014 passed by the learned Chief Judicial
Magistrate, Gaya in connection with Mofassil P.S. Case No. 181
of 2013 whereby the learned Chief Judicial Magistrate has taken
cognizance of the offences punishable under Section 498-A read
with 34 of the Indian Penal Code and Section 4 of the Dowry
Prohibition Act and summoned the petitioner to face trial.

The petitioner happens to be the husband of the informant. In the FIR, it has categorically been alleged that the petitioner demanded Rs. 50,000/- from the informant and on failure to fulfil the demand, she was badly assaulted as a result of which, she sustained serious injuries.

The police took up investigation of the case and in course of investigation, the allegation made in the FIR was found to be true. Accordingly, charge-sheet was submitted against the petitioner and on perusal of the police report submitted under section 173 of the Code of Criminal Procedure as well as the materials collected in course of investigation, the learned Chief Judicial Magistrate found a prima facie case against the petitioner. Thus, he took cognizance of the offence and summoned the petitioner to face trial.

I find no error in the order impugned. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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