

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29056 of 2012

=====

Shakeel Ahmad Khan son of Late Abdullah Khan, resident of village-
Lahwar, P.S.- Keoti, District- Darbhanga, the then Station House Officer
Gopalpur P.S, District- Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. Habib Ansari son of Late Bahadur Ansari, resident of village- Bisunpura,
P.S.- Gopalpur, District- Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

5 30-04-2015 In this application filed under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”), the petitioner seeks quashing of the order dated 3.2.2010 passed by the Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No.675 of 2009 whereby finding a prima facie case to be made out for the offences punishable under sections 323 and 379 of the Indian Penal Code the petitioner has been summoned to face trial.

It would appear from the impugned order that in course of enquiry witnesses were examined on behalf of the complainant. The learned Magistrate took cognizance of the offence and summoned the petitioner after looking into the materials collected in course of enquiry. The petitioner has not brought on record the

statement of the witnesses recorded in course of enquiry.

In that view of the matter, I find it difficult to entertain the case on merits.

At this stage, learned counsel for the petitioner seeks leave to withdraw this application in order to file another appropriate application with all relevant documents before this Court.

Leave is granted. The application is disposed of as withdrawn.

Md.S./- (Ashwani Kumar Singh, J)

U		T	
---	--	---	--