

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19515 of 2015

Arising Out of PS.Case No. -2028 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Neelam Kumari, wife of Sri Umesh Chandra Sinha, resident of village of
102, Sushma Apartment, Rajendra Nagar, Road No. 10, Police Station-
Kadamkuan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.

2. Ram Naresh Ram, son of Sri Kailash Ram, resident of Village-
Gamhariya, Police Station -Jadipur, District Gopalganj

.... Complainant-Opposite Parties

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kr. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-05-2015

The present application under Section 482 of the
Code of Criminal Procedure has been filed for quashing the
order dated 24.04.2014 passed by the learned Chief Judicial
Magistrate, Gopalganj in Complaint Case No. C-2028 of 2012
whereby the learned Chief Judicial Magistrate has taken
cognizance for the offence punishable under Sections 385 and
504 read with 34 of the Indian Penal Code and she has been
summoned to face trial.

A bare perusal of the impugned order would show that the summoning order has been passed not only on the basis of the complaint but also after taking into consideration the statement of the complainant on oath as well as the deposition of the inquiry witnesses. Neither the statement of the complainant nor the deposition of the witnesses has been annexed to the present application filed by the petitioner.

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

Accordingly, the application is disposed of with a liberty to the petitioner to file another application in the same subject matter after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J.)

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