

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26982 of 2012

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1. Prabhat Kumar S/o Dinesh Prasad Singh Resident of Village - Srikrishanapuri,
I.M.A. Road , Begusarai, P.S. - Town Begusarai, District - Begusarai

2. Dinesh Prasad Sinha @ Dinesh Prasad Singh S/o Late Ram Swaroop Singh
Resident of Village - Srikrishanapuri, I.M.A. Road , Begusarai, P.S. - Town
Begusarai, District - Begusarai

3. Savitri Sinha W/o Dinesh Prasad Singh Resident of Village - Srikrishanapuri,
I.M.A. Road , Begusarai, P.S. - Town Begusarai, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

2. Nidhi Kumari W/o Prabhat Kumar , D/o Sheo Nandan Choudhary Residing At
Neelkothi Lunch Ghat Barari , Post Office & P.S. - Barari , District - Bhagalpur

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 20-02-2015

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

This application is filed under Section 482 of the Cr.
P.C. for quashing the order dated 07.10.2009 passed in Complaint
Case No. 742 of 2009 whereunder the Sub-Divisional Judicial
Magistrate, Bhagalpur on enquiry summoned the accused-petitioner
under section 204 of the Cr. P.C. finding the prima facie case under
Section 498A of the I.P.C and Section 4 of the Dowry Prohibition
Act.

Learned counsel appearing on behalf of the petitioners
submits that in course of enquiry, the witnesses, as examined on

behalf of the complainant/opposite party no.2, has not been cross-examined. As such, summoning order is illegal.

On perusal of the impugned order, it appears that learned S.D.J.M. on perusal of the S.A. of the complaint and statement of the three witnesses arrived at the conclusion that prima facie case under section 498 of the I.P.C and section 4 of the Dowry Prohibition Act have been made out against the petitioners. In course of enquiry, under Section 202 Cr. P.C., it is the satisfaction of Magistrate to put the question to the witnesses during recording the statement. If the Magistrate is satisfied to statement of the witnesses, it is not necessary for him to cross-examine the witness.

As such, I do not find any illegality in the impugned order amounting the abuse of process of Court. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J.)

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