

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18487 of 2015

Arising Out of PS.Case No. -1789 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Jiut Ram son of Late Nirgun Ram resident of village- Mishrauli, Goita Tola, P.S.- Shanichari, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Timal Ram Son of Late Sukhal Ram resident of village- Mishrauli, Goita Tola, P.S.- Shanichari, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-04-2015 In this application filed under section 482 of the Code of Criminal Procedure, the petitioner has challenged the order dated 27.02.2015 passed by the learned Judicial Magistrate 1st Class, Bettiah, West Champaran in Trial No. 3418 of 2015 arising out of Complaint Case No. 1789-C of 2012, whereby the learned Magistrate has found prima facie case to be made out against the petitioner under sections 417, 323 and 504 of the Indian Penal Code.

It would appear from the impugned order that before summoning the petitioner, the complainant was examined on oath and three other witnesses were examined on behalf of the complainant. In this application, the petitioner has neither annexed

the statement of the complainant nor the statement of the enquiry witnesses examined under section 202 of the Code of Criminal Procedure.

In that view of the matter, this application cannot be disposed of on merits. Accordingly, the application is disposed of with liberty to the petitioner to file another application before this Court seeking the relief prayed for in the present application after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J)

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