

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19482 of 2015

Arising Out of PS.Case No. -2008 Year- 2010 Thana -PATNA COMPLAINT CASE District-
PATNA

Deepak Kumar Gupta, S/o Sri Badrinath Gupta at present resident of Labu Niwas, Flat No. 201 near O Guwahati restaurant, Ganesh Guri, P.O. Dispur, Guwahati. Petitioner

Versus

1. The State of Bihar.
2. Prity Gupta @ Prity Raj W/o Deepak Kumar Gupta at present resident of Labu Niwas, Flat No. 201 Near O Guwahati restaurant, Ganesh Guri, P.O. Dispur, Guwahati. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate

For the Opposite Party/s : Mr. Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-05-2015

In this application filed under Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the summoning order dated 24.01.2011 by which the learned Judicial Magistrate-1st Class, Patna finding a prima facie case to be made out against the petitioner for the offences punishable under Sections 420, 406 and 120B of the Indian Penal Code, has summoned him 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 and after recording deposition of inquiry witnesses under Section 202 of the Code

of Criminal Procedure.

Neither the statement of the complainant nor the deposition of the witnesses examined in course of inquiry has been annexed to this petition.

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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