

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35245 of 2012

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Sanjay Kumar Pandey @ Lali Pandey S/O Awadhesh Kumar Pandey
resident of Village- Gayanpur, Semeriya, P.S.- Barahara (Sinha), District-
Bhojpur, Ara

.... Petitioner/s

Versus

1. The State of Bihar
2. Ganjesh Pandey son of Laate Ganesh Pandey, resident of village Pakari,
P.S.Krishnagarh (Barahara), District Bhojpur, Ara

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate
For the Opposite Party No.1 : Mr. J.Upadhayay, APP
For the Opposite Party no.2 : Mr. Jitendra Kumar Roy, Advocate
Mr.Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 20-03-2015

Heard.

The petitioner is aggrieved by the order dated 16.01.2012 passed in Barhara P.S.Case No. 188 of 2011 by learned Sub Divisional Judicial Magistrate, Bhojpur, Ara, whereby cognizance has been taken for offences under Sections 498A and 323/34 of the Indian Penal Code and summons have been issued to the accused persons including the petitioner for facing the trial.

Learned counsel appearing on behalf of the petitioner, by referring to certain documents, submits that the prosecution allegation does not appear to be correct.

I am afraid, the defence of the accused persons cannot be looked into at this stage. For the purpose of taking cognizance, the learned Magistrate was required to find out only a prima facie case and at that stage, he was not required to embark upon an enquiry for examination of the possible defence of the accused persons.

After having heard the parties, this Court does not find

any illegality or irregularity warranting any interference by this Court with the impugned order taking cognizance of the offences. The present application appears to be completely misconceived and is, accordingly dismissed.

However, the petitioner shall be at liberty to raise all the issues, which have been raised in the present application, during the course of trial.

(Birendra Prasad Verma, J)

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