

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.909 of 2016

Arising Out of PS.Case No. -25718 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Krishna Prasad Son of Late Chhathu Mahto Resident of Middle School,
Chakdaulat (Near Teka Bigha Hault), P.S.- Bakhtiyarpur, District- Patna,
permanent resident of Wazitpur, P.S.- Barh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Vandana Rani @ Soni Wife of Anant Saynam @ Anant Saznam and
Daughter of Sri A.K. Singh resident of Flat No. 101/B, Sarda Lok
Apartment, Gandhi Path-2, Nehru Nagar, P.O.+P.S.- Patliputra, District-
Patna 800013.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo
For the Opposite Party/s : Mr. Satyendra Nr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-06-2016 By way of the present application preferred under

Section 482 of the Code of Criminal Procedure, the petitioner

seeks quashing of the order dated 11th June, 2014 passed by the

learned Judicial Magistrate 1st Class, Patna in connection with

Complaint Case No. 25718(C) of 2014, whereby the learned

jurisdictional Magistrate, after taking cognizance of the offences

punishable under Section 498-A of the Indian Penal Code and

Sections 3 and 4 of the Dowry Prohibition Act, has summoned

him to face trial.

From perusal of the impugned order, it would

transpire that in support of the complaint, the complainant had

made her statement on oath and, in course of enquiry under Section 202 of the Code of Criminal Procedure, three enquiry witnesses were also examined. The impugned order dated 11th June, 2014 was passed after considering the statement of the complainant recorded on oath as also the statements of the witnesses recorded in course of enquiry. Neither the statement of the complainant nor the statements of the witnesses have been brought on record.

In absence of the materials on the basis of which the impugned order has been passed, this Court finds itself unable to consider the case on merits.

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

(Ashwani Kumar Singh, J)

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