

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27288 of 2016

Arising Out of PS.Case No. -70 Year- 2012 Thana -NAWADA District- NAWADA

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Md. Sabir Alam S/o Sakur Alam R/o vill- Minapur P.S.- Narhat,Distt.-
Nawada, at present-Islam Nagar,P.S.-Town, Dist.Nawada

.... Petitioner

Versus

1. State of Bihar
2. Salma Khatoon w/o Md. Sabir Alam R/o Islam Nagar, P.S. -Town,
Dist.Nawada

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 09-08-2016 Heard Sri Amresh Kumar Sinha, learned counsel

for the petitioner and Sri Arun Kumar Pandey, learned Addl.

Public Prosecutor.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
27.01.2016 passed by the learned Chief Judicial Magistrate,
Nawada in Nawada P.S. Case No.70/2012. By the said order, the
learned Magistrate has rejected the petition filed on behalf of the
petitioner for discharge.

Learned counsel for the petitioner has argued that
the offence under Section 498A of the Indian Penal Code is not

made out in the present case. He submits that so far as offence under Section 494 is concerned, though cognizance order was passed under Section 494 of the Indian Penal Code also, the learned Magistrate by the impugned order has exonerated the petitioner for the offence under Section 494 of the Indian Penal Code . According to him, no offence under Section 498A of the Indian Penal Code is made out. However, he does not dispute regarding the offence under Sections 341, 323, 380, 504 and 506 of the Indian Penal Code.

Besides hearing learned counsel for the parties, I have also perused the materials on record. On perusal of the impugned order, it is evident that in the year 2012 cognizance order was passed and the case is being delayed in framing of charge. Learned counsel for the petitioner submits that the petitioner has not deliberately delayed the matter. He submits that after noticing the fact regarding the present case, the petitioner has appeared.

I do not find any ground to interfere with the impugned order. The petition stands dismissed.

(Rakesh Kumar, J)

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