

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10525 of 2016

Arising Out of PS.Case No. -28370 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Sri Surya Narayan Yadav S/o Late Ramani Yadav
2. Sunil Kumar S/o Sri Surya Narayan Yadav
Both resident of village- Shishwa Barhi, P.S.- Phul Paras, District-
Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Kiran Bharti W/o Sunil Kumar D/o Sri Jai Prakash resident of village- Sheo
Nagar Khemanichak near Food Hospital Bye Pass Road, P.S.- Ram Krishna Nagar,
District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 15-11-2016

This application under Section 482 of the Code of Criminal Procedure (for short 'CrPC') has been filed for quashing of the order dated 15.1.2016 passed in connection with Complaint Case No.28370(c) of 2014 by the learned Judicial Magistrate, 1st Class, Patna by which she has summoned the petitioners exercising power under Section 204 of the CrPC for facing prosecution under Sections 498A, 494 and 496 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

2. From perusal of the impugned order it would appear that statement of the complainant on oath was recorded under Section 200

of the CrPC and apart from the complainant statements of enquiry witnesses were also recorded under Section 202 of the CrPC. The petitioners have neither brought on record the statement of the complainant nor the statement of the witnesses recorded in course of inquiry conducted under Section 202 of the CrPC. In absence of those documents the case cannot be decided on merits.

3. Accordingly, the application is dismissed with liberty to the petitioners to file another application in the same subject matter after bringing on record all the relevant documents.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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