

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43681 of 2014

Arising Out of PS.Case No. -61 Year- 2007 Thana -BANIAPUR District- SARAN

=====

Usha Devi, wife of Raj Kumar Ram, Resident of Village - Pirauta Khas,
P.S. - Baniapur, Distt. - Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate.

For the State : Mr. Rajendra Prasad Nat, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

This is a petition for quashing the order dated 26.09.2013 passed in Cr. Revision No. 303 of 2013 by which order dated 29.06.2013 passed by the Judicial Magistrate-1st Class, Chapra, dismissing the protest (complaint) petition dated 31.05.2007 has been affirmed and revision application filed by this petitioner has been dismissed.

The prosecution case as alleged, the victim-complainant filed a case bearing Baniapur P.S. Case No. 61 of 2007 alleging therein that the accused persons raped the complainant. The police after investigation submitted Final Form. However, in the meantime a protest petition was lodged. After accepting Final

Form, the complaint proceeded on the protest-cum-complaint of the complainant and witnesses were examined.

Learned Judicial Magistrate taking into consideration the statement of complainant and her witnesses and further taking into consideration the report as well as the fact of the affidavit filed by the husband and father-in-law dismissed the complaint petition under Section 203 of Cr.P.C. with the reason assigned therein.

The complainant filed a revision petition before the Revisional Court against the order dismissing the complaint under Section 203 of Cr.P.C. and Revisional Court also taking into consideration the fact dismissed the revision petition.

Learned counsel for the petitioner challenging the order of Revisional Court under Section 482 of Cr.P.C. submits that there was merit in the complaint as the victim and witnesses have supported the prosecution case claiming to be eye witnesses to the occurrence and supported the prosecution case and evidence of the doctor.

However, going into the material on record, it is apparent that finding recorded by the Judicial Magistrate has been given reason for dismissing the complaint and reason given is valid and cannot be said to be suffer from infirmity. Further, Section 203 of Cr.P.C. provides that “if, after considering the statement on oath

(if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under Section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and if every such case he shall briefly record his reasons for so doing”.

However, going to the impugned order learned Magistrate while considering the evidence of witnesses and material collected during enquiry and investigation under Section 202 of Cr.P.C., has opined that there is no sufficient ground to proceed with the case and has given valid reason to dismiss the complaint.

Hence, I do not find any merit to interfere with the impugned order passed by the learned Judicial Magistrate as well as learned Additional Sessions. Accordingly, the petition is dismissed.

m.p.

(Gopal Prasad, J)

U		T	
---	--	---	--