

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31319 of 2013

Arising Out of PS.Case No. -808 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

- =====
1. Shubhachandra Jha son of Late Balkrishan Jha R/O Village Majhaura P.O -
Chanouranganj Via Jhangharpur Dist Madhubani
 2. Nalin Kumar Mishra son of Late Narendra Prasad Mishra R/O Village Basadha
Kazi P.O. Jaitpur P.S. Saraiya Dist Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sanjay Kumar Pandey S/o Late Kalika Pandey, R/o Village Pipri, P.S.Agrer,
District Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party No.1 : Mr. Uday Chand Prasad, APP

For the Opposite Party No.2: Mr.Ashok Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 31-01-2017

The petitioners were given last indulgence on 25.01.2017 when none had appeared on their behalf although learned counsel for the opposite party no.2 was present. Today also none appears on behalf of the petitioners.

2. Learned counsel for opposite party no.2 and the learned APP are present and they have submitted that there is no illegality in the impugned order dated 24.05.2012 passed by the learned Judicial Magistrate, 1st Class, Sasaram (Rohtas) in Complaint Case No. 808 (C)/2011 taking cognizance for offences punishable under Sections 323, 504 and 379 of the Indian Penal Code against the petitioners and other accused persons mentioned in the Complaint



petition.

3. After perusing the impugned order and other materials available on the record, this Court finds that the learned Magistrate after looking into the allegations in the Complaint Petition and S.A. of the Complainant and statement of the witnesses recorded during enquiry under Section 202 Cr.P.C. found prima facie case against the accused persons for offences punishable under Sections 323, 504 and 379 of the Indian Penal Code. The learned Magistrate is merely required to see prima facie case at the time of enquiry under Section 202 Cr.P.C. and the Magistrate is not required to appraise the statement of the witnesses recorded during enquiry in the manner as is appraised during trial. This Court does find any illegality in the impugned order.

4. In the result, this petition is dismissed. The court below is directed to proceed with the case in accordance with law.

(Sanjay Priya, J)

Tahir/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.02.2017
Transmission Date	03.02.2017

