

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40211 of 2013

Arising Out of PS.Case No. -2493 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Bijendra Kumar Paswan Son Of Late Jeetendra Paswan Resident Of
Village-Madhuban Chapara Ramnagar, P.S.-Jankinagar, District-Purnea, At
Present V.E.W. District Horticulture Office, Krishi Bhawan, Kanke Road,
District-Ranchi (Jharkhand) Petitioner

Versus

1. The State Of Bihar
2. Sarswati Devi Wife Of Bijendra Paswan, D/O Sukdeo Paswan Resident of
Village-Baraina, P.S.-Sarsi, District-Purnea

.... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Uday Pratap Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 03-04-2017 Heard.

The petitioner has challenged the order dated 30.07.2013 passed in Cr. Rev. No. 223 of 2013 by learned Sessions Judge, Purnea whereby and whereunder order taking cognizance for the offence under Section 498A of the of the Indian Penal Code against the petitioner dated 21.03.2013 passed in C. A. No. 2493 of 2012 passed by learned Sub-Divisional Judicial Magistrate, Purnea was affirmed.

Perused the complaint petition of C.A. No. 2493 of 2012 and also perused the order dated 21.03.2013. Learned Sub-Divisional Judicial Magistrate after considering the materials collected during inquiry has passed the impugned order taking



cognizance under Section 498A of the of the Indian Penal Code against the petitioner which was affirmed by the Revisional Court also. At the time of taking cognizance the court is only required to see as to whether prima facie offence is made out or not on the basis of materials collected during inquiry. The defence is not required to be looked into at this stage. Learned Sub-Divisional Judicial Magistrate after considering the materials collected during inquiry has passed the order dated 21.03.2013 and there is no illegality, impropriety and infirmity in the said order and learned Revisional Court has rightly affirmed the said order.

In the result, finding no merit in this application, the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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