

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43199 of 2013

Arising Out of PS.Case No. – 186 Year-2012 Thana - Ariari District- SEKHPURA

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Pintu Mandal Son Of Kopindra Mandal, Resident Of Village - Rewata, P.S.-Ariari,
Dist.-Sheikhpura

.... Petitioner/s

Versus

1. State Of Bihar
2. Sudha Kumari Daughter Of Madan Thakur Resident Of Village - Rewata, P.S.-
Ariari, Dist.-Sheikhpura

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Upadhyay, Adv.
For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 18-04-2017

Heard both sides.

2. The petitioner filed this petition under Section 482 of the Cr. P.C. (hereinafter referred to as the 'Code') for quashing the order dated 24.08.2013 passed by the learned Chief Judicial Magistrate, Sheikhpura in Ariari P.S. Case No. 186/2012 whereby he took cognizance under Section 376 of the Indian Penal Code.

3. The informant/victim filed the case against the petitioner that the petitioner caught her and dragged her with an intention to outrage her modesty. The case was registered under Section 354 and other sections of the Indian Penal Code. On such, Ariari P.S. Case No. 186/2012 was registered under Section 354 and



other sections of the Indian Penal Code. After investigation the police found the case true under Section 376 of the Indian Penal Code and submitted report under Section 173(2) of the Cr.P.C. Thereupon, learned Chief Judicial Magistrate took cognizance on 24.08.2013 under Section 376 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that it is malicious prosecution. The occurrence is said to have taken place on 21.11.2012, but the victim made her statement on 24.11.2012 and the same appears to be malicious one, but I find no substance in the submission on mere facts that the victim made her statement after three days of the occurrence and she is on inimical term with the accused. Prosecution case cannot be disbelieved and order taking cognizance cannot be held bad on the ground of delay whereas, there is sufficient material on record to show that the petitioner has committed offence. Accordingly, I do not find any merit and the quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
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