

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17077 of 2013

Arising Out of PS.Case No. -595 Year- 2005 Thana -GAYA COMPLAINT CASE District- GAYA

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Rakesh Kumar @ Rakesh Kumar Sinha, S/o Hari Shankar Prasad, R/o village-
Maniyari, P.S.- Kako, District- Jehanabad. At present R/o Mohalla- Jai Prakash
Nagar, P.S.- Civil Lines, District- Gaya Petitioner

Versus

1. State of Bihar
2. Girish Kumar Sinha, S/o late Srikant Sahay, R/o Mohalla-32, Shambhu
Bhawan, Nai Godown, P.S.- Kotwali, District-Gaya Opposite Parties

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Appearance :

For the Petitioner : Mr. S. Kumar Jha, Advocate

For the Opposite Parties : Mr. B.N. Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-01-2017

This application has been filed under Section 482 of Cr.P.C for quashing of order dated 10.03.2006, passed by learned Sub-Divisional Judicial Magistrate, Gaya, by which learned Magistrate after holding inquiry has found prima-facie case against this petitioner for the offence under Section 498(A) of the Indian Penal Code and under Section 4 of Dowry Prohibition Act.

Heard learned counsel for the petitioner and counsel for the O.P.No.2.

It has been submitted on behalf of the petitioner that compliant has not been filed by the wife rather the same has been filed by her father and he has falsely been implicated in this case.

Learned counsel for O.P.No.2 has submitted that matter was earlier sent to Mediation Centre, where the petitioner did not appear before the Mediation Centre. Accordingly, the mediation



failed. There is no illegality in the impugned order.

Having heard both the parties and from perusal of the impugned order, it appears that during inquiry the father of the complainant has fully supported the case. Besides him, the statement of the victim girl Ruma Sinha was also taken as C.W.1. One more witness Veena Sinha was also examined as C.W.2, who is the mother of the victim. The court below has mentioned in the impugned order that all the witnesses have fully supported the case and photographs of marriage has also been placed before the learned Magistrate. Therefore, prima facie case has been found against this petitioner (husband of daughter of the complainant) for the offence under Section 498 (A) of the Indian Penal Code and under Section 4 of D.P. Act.

Therefore, this court does not find any illegality in the impugned order dated 10.03.2006 passed by learned Sub-Divisional Judicial Magistrate, Gaya, in Complaint Case No. 595 of 2005.

Accordingly, this criminal miscellaneous application is hereby dismissed.

However, the petitioner may raise all these points as raised in this application before the lower court at appropriate stage.

(Sanjay Priya, J.)

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