

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41692 of 2013

Arising Out of PS.Case No. -470 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Awadhesh Sah Son Of Sri Radha Krishna Sah Resident Of Village
Parihara, P.S.-Bakhari, District Begusarai

.... Petitioner/s

Versus

1. State Of Bihar
2. Sri Mithilesh Pandit Son Of Sri Bisundeo Pandit Resident Of Village
Parihara, P.S. Bakhari, District Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-04-2017 The present petition has been filed for quashing the

order dated 29-01-2013 passed by the learned Judicial Magistrate-

Ist Class, Begusarai in Complaint Case No. 470(C) of 2012, by

which and whereunder, the learned Magistrate took cognizance

against the petitioner for the offence under Sections-417/466 of

the Indian Penal Code.

Heard the parties.

From the impugned order, it appears that the learned

Magistrate after looking into the allegation in the complaint

petition and statement of the witness recorded in course of inquiry

and S.A. of complaint has found prima facie case for offence

under Sections-417 & 466 of the Indian Penal Code against the



petitioner. The copies of the SA of the complainant and the statement of witnesses recorded during inquiry have been annexed with this petition which shows that they have supported the case.

The learned Magistrate is merely required to see prima facie case at the time of holding inquiry. The learned Magistrate is not required to appraise the statement of witnesses during inquiry in the manner as is done in the trial. Therefore, this court does not find any illegality in the impugned order.

Accordingly, this Cr. Misc. Application stands dismissed. The court below may proceed in the case in accordance with law.

The petitioner is given liberty to raise all points as raised in this Cr. Misc. Application at the time of framing of charge in the lower court.

(Sanjay Priya, J)

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