

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17447 of 2014

Arising Out of PS.Case No. -1096 Year- 2012 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Shyam Babu Ram, son of Rama Kant Ram, resident of village- Pogari, P.S.-
Dinara, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. Sharda Devi, wife of Shyam Babu Ram, resident of village- Pogari, P.S.-
Dinara, District- Rohtas, at present C/o Bhola Sah, Bir Kunwar Singh Colony,
Charitrawan, P.S. Buxar Town, District Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 13.05.2013 passed by the Sub-Divisional Judicial Magistrate, Buxar, in Complaint Case No.1096-C of 2012/Tr.No.1657 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other accused for the offence under Section(s) 498-A, 494, 406 Indian Penal Code.

2. Petitioner is husband of the Opposite Party No.2-complainant.

3. From the impugned order, it appears that after holding enquiry and on the basis of the Solemn Affirmation of the



complainant and statement of four other witnesses recorded during enquiry, the learned Magistrate has found *prima face* case against the petitioner and other accused as named in the Complaint Petition for the offence under Section(s) 498-A, 494, 406 Indian Penal Code.

4. At the time of taking cognizance, learned Magistrate is only required to see *prima facie* case on the basis of allegation in the complaint petition, statement of the complainant on Solemn Affirmation and the statement of the witnesses recorded during enquiry.

5. Therefore, this Court does not find any illegality in the impugned order.

6. The application is, accordingly, dismissed.

7. Petitioner is given liberty to raise all the points, as raised in the instant application, at the time of framing of Charge in the Court below, which shall be considered in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21-08-2017
Transmission Date	21-08-2017

