IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17397 of 2014

Arising Out of PS.Case No. -431 Year- 2012 Thana -AURANGABAD COMPLAINT CASE District- AURANGABAD

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1. Ranjan Kumar Singh Son of Late Shankar Dayal Singh Resident of Village - Bhawanipur, Post Office and Police Station - Deo, District - Aurangabad and at present Kamta Sadan, Near Town Hall, Bandhu Colony, Aurangabad, Post Office and Police Station and District - Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Indu Devi Wife of Sri Awadhesh Singh Resident of Village - Israr, Police Station - Deo, District - Aurangabad and at present resident of Mohalla - Satyendra Nagar, K.K. Singh Clinic Road, Aurangabad

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar Tewary
For the Opposite Party/s : Mr. S. Dayal (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date: 26-07-2017

The petitioner has challenged the order dated 16-04-2013 passed by Sri D.N. Mishra, learned Judicial Magistrate-Ist Class, Aurangabad by which and whereunder, the learned Magistrate after holding inquiry, found prima facie case against the petitioner for the offence under Sections-420, 120(B) of the Indian Penal Code and 138 of N.I. Act.

None appears on behalf of the petitioner. Learned Additional Public Prosecutor is present.

From perusal of impugned order, it appears that after perusing the solemn affirmation of the complainant and the statement of

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witnesses recorded during inquiry and also considering the documents filed by the complainant, the learned Magistrate found prima facie for the offence under Sections- 420, 120(B) of the Indian Penal Code and 138 of N.I. Act.

Learned Magistrate is only required to see prima facie case at the time of holding inquiry.

Therefore, this court does not find any illegality in the impugned order. Accordingly, this Cr. Misc. Application is dismissed.

The learned trial court is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	31-7-17
Transmission Date	31-7-17

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