

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17867 of 2014

Arising Out of PS.Case No. -381 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Hemant Rai Saxena, S/o Late Mahtab Rai Saxena, Resident of Mohalla- Sidhighat,
Diwn Mohalla, P.S- Khajekalan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Neelam Srivastava, w/o Prabhat Kumar Sinha, Resident of Mohalla-
Sidhighat, Diwn Mohalla, P.S- Khajekalan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the opposite party No.2:

For the State : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 03-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.01.2014 passed by the learned Judicial Magistrate, 1st Class, Patna City, in Complaint Case No. 381 of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner and other accused persons for the offences under Section 420 of the Indian Penal Code.

2. It appears from the order dated 31.10.2017 that on that day also no one appeared on behalf of the petitioner and last chance was given to argue the case on 02.11.2017.

3. Today also none appears on behalf of the



petitioner and opposite party No. 2. Learned A.P.P. is present.

4. Learned A.P.P. has submitted that there is no illegality in the impugned order dated 27.01.2014.

5. The Court below after recording the statement of the complainant on Solemn Affirmation and statement of enquiry witnesses, has found prima facie case against the petitioner for the offence under Section 420 of the Indian Penal Code.

6. The court below is only required to see *prima facie* case at the time of holding enquiry on the basis of allegation made in the complaint and the statement of witnesses recorded during enquiry.

7. Therefore, this Court does not find any illegally in the impugned order.

8. This Criminal Miscellaneous application is accordingly dismissed.

9. The court below will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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