

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44191 of 2014

Arising Out of PS.Case No. -79 Year- 2013 Thana -PATNA COMPLAINT CASE District- PATNA

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Punam Devi, wife of Sri Radhey Krishna, resident of village + Post- Parsawan,
P.S.- Pandarak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharmraj Saw, son of late Heman Saw, resident of village- Aadampur, P.S.-
Danapur, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the opposite party No. 2: None

For the State : Mr. Umeshanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 16-11-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 02.12.2013 passed by the learned Judicial Magistrate, 1st Class, Danapur, in Complaint Case No. 791(C) 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 Sections 417, 465 and 504/34 of the Indian Penal Code.

2. Notices were issued to the opposite party No. 2 but he has not appeared before this Court.

3. None appears on behalf of the petitioner.

4. From perusal of the impugned order, this Court



finds that the learned Magistrate has after looking into the Solemn Affirmation as well as statement of inquiry witnesses and materials available on record, found *prima facie* case against the petitioner for the offence under Sections 417, 465 and 504/34 of the Indian Penal Code.

5. The learned Magistrate is only required to see *prima facie* case at the time of holding enquiry.

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

7. This Criminal Miscellaneous application is accordingly dismissed.

8. The petitioner may raise all the points as raised in this petition in the court below at the time of framing of charge which shall be considered and disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30/11/2017
Transmission Date	30/11/2017

