

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54047 of 2013

Arising Out of PS.Case No. -362 Year- 2011 Thana -PIRBAHOR District- PATNA

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Md. Islam, son of late Abdul Quaiyum, resident of Mohalla-Golakhpur, P.S.-
Pirbahore, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Rajeev Kumar Raghaw, son of late Raghuveer Singh, resident of House No.60,
Rajeev Puram Devi, Mandir Road, Dasna, P.,S.-Masuri, District-Gaziabad, at
present S. Chand and Company Ltd., 7361 Ram Nagar, Qutab Road, P.S.-Nabi
Karim, New Delhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 27-04-2017

1. This application has been filed for quashing the order of cognizance dated 10.02.2012 passed by the Chief Judicial Magistrate, Patna, in Pirbahore P.S. Case No.362 of 2011, by which he has taken cognizance against the petitioner under Sections 420, 467, 468, 471, 120-B Indian Penal Code and Section 63/68 of the Copy Right Act after perusing the charge-sheet and the materials available in the case diary.

2. From the order-sheet, it appears that none appeared on behalf of the petitioner on 25.04.2017 and the case was fixed for today (27.04.2017) by giving last chance to the counsel for the petitioner to appear and argue the case.

3. Today also, none appears on behalf of the



petitioner.

4. Counsel for the State is present. She has submitted that there is no illegality in the impugned order. The Court below is merely required to see *prima facie* case at the time of taking cognizance on the basis of the allegation made in the written report and the materials available in the case dairy.

5. The Court below has mentioned in the impugned order that after looking into the case dairy there are sufficient materials to take cognizance for the offence under Sections 420, 467, 468, 471, 120-B Indian Penal Code and Section 63/68 of the Copy Right Act.

6. The Court is only required to see *prima facie* case at the time of taking cognizance on the basis of allegation made in the written report and the materials available in the case dairy.

7. Therefore, this Court does not find any merit in this application.

8. This application is, accordingly, dismissed.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-05-2017
Transmission Date	06-05-2017

