

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32688 of 2013

Arising Out of PS.Case No. -383 Year- 2007 Thana -MADHUBANI TOWN District-
MADHUBANI

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Pradeep Rai S/O Late Shivan Rai, resident of Village- Laheriaganj, Ward No. 1,
P.S. Town Madhubani, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

2. Ranju Devi W/O Pradeep Rai, D/O Late Laxmi Singh, resident of Girchari,
Kamoongo, P.S. Rajnagar, District- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party No.1 : Mr. Tapeswar Sharma, APP

For the Opposite Party No.2 : Mr. Ajay Kumar Thakur, Advocate

Ms.Kiran Thakur, Advocate

Mr.Ravi Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-02-2017

Heard the parties.

2. The petitioner has challenged the order dated 14.12.2011 passed by the learned Sub Divisional Judicial Magistrate, Madhubani in Trial No. 3831 of 2012 (Town Madhubani P.S.Case No. 383 of 2007/C.R.No. 817 of 2011), by which on the basis of protest-cum-complaint petition, the learned Magistrate has found prima facie case against the petitioner (husband) for offences punishable under Section 498(A) of the Indian Penal Code.

3. It has been submitted on behalf of the petitioner that after order of cognizance dated 14.12.2011, both the parties filed compromise petition in the lower court on 18.08.2012 but non-bailable warrant of arrest has been issued against the petitioner on 03.04.2013.



4. Opposite party no.2 has appeared and it has been submitted on her behalf that after filing of compromise petition, the petitioner never acted in terms of the aforesaid compromise filed in the court below. The lower court, therefore, issued non-bailable warrant of arrest against the petitioner.

5. The learned APP has submitted that there is no illegality in the impugned order.

6. Perused the impugned order. From the impugned order it appears that on the basis of protest-cum-complaint petition after holding enquiry under Section 202 Cr.P.C. the Court below found prima facie case on the basis of S.A. of the complainant and statement of three witnesses examined during enquiry. Learned counsel for the petitioner could not point out any illegality in the impugned order passed by the learned Magistrate. From perusal of the impugned order it is found that the said order has been passed after proper appreciation of S.A. of the Complainant and statement of three witnesses examined during enquiry. This Court does not find any illegality or irregularity in the impugned order. This petition is fit to be dismissed.

7. In the result, this petition is dismissed.

(Sanjay Priya, J)

Tahir/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.02.2017
Transmission Date	07.02.2017

