

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31818 of 2013

Arising Out of PS.Case No. -117 Year- 2011 Thana -DURAULI District- SIWAN

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Azizul Haque son of Late Sagiar Khan, resident of Village-Khairanti Dlip, P.S.-
Darauli, District-Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Yasmeen Bano W/o Azizul Haque D/o Dr.Md.Iqbal Khan, resident of Islamiya
Nagar, Laxmipur, P.S.Siwan Town, District Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate

For the Opposite Party No.1 : Mr. Ashraf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-02-2017

Heard learned counsel for the parties.

2. The petitioner has challenged the order dated 02.01.2013 passed by learned Chief Judicial Magistrate, Siwan in Darauli P.S.Case No. 117 of 2011 (G.R.No. 3023 of 2011), by which the learned Magistrate has taken cognizance against the petitioner for offence punishable under Section 498(A) of the Indian Penal Code.

3. It has been submitted on behalf of the petitioner that the informant is the second wife of the petitioner and he is always ready to keep the informant with full dignity.

4. Learned counsel for the opposite party no.2 has submitted that earlier the matter was placed before the Mediation



Centre but the petitioner could not take any effective steps to keep the informant and thus mediation failed.

5. Perused the impugned order dated 02.01.2013. It appears that the learned Magistrate after looking into various paragraphs of the case diary took cognizance against the petitioner. The court was only required to see prima facie case on the basis of materials available in the case diary at the time of taking cognizance. This Court does not find any illegality or irregularity in the impugned order by which the learned Magistrate has taken cognizance against the petitioner for offence punishable under Section 498(A) of the Indian Penal Code. Hence, this petition is fit to be dismissed.

6. In the result, this petition is dismissed. However, the petitioner shall be at liberty to raise all the points, which have been taken in this petition, at the appropriate stage before the court below which will be considered by the court below without being prejudiced by this order.

(Sanjay Priya, J)

Tahir/-

AFR/NAFR	
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