

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17524 of 2014

Arising Out of PS.Case No. -3692 Year- 2010 Thana -COMPLAINT CASE District- ARRARIA

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Md. Sarfaraj Alam Son of Md. Zubair Alam Resident of Village - Chitragupt Nagar
Araria Warrd No. 21, P.S.- Araria, District - Araria

.... Petitioner.

Versus

1. The State of Bihar
2. Bib Nazia Nasreen Daughter of Late Nasreen Akhtar Faizi Wife of Md.
SArfaraza Alam Resident of Village - Chitragupta Nagar Wad No. 21 P.S. and
District - Araria at presetn Mohalla Islam Nagar Opposite Petrol Pump Hospital
Road, Araria P.S. and District - Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 19-10-2011
passed by learned Sub Divisional Judicial Magistrate, Araria in
Complaint Case No. 3692 (C) of 2010 whereby and whereunder, the
learned Magistrate has found prima facie case against the petitioner
for the offence under Section-498A of the Indian Penal Code.

The matter was earlier sent to the Mediation Centre in
terms of order dated 18-11-2014. The report of Mediator is annexed
with this record, which is at flag "A", wherein it has been mentioned
that the dispute between the parties has failed.

The learned Magistrate has mentioned in the impugned
order that on the basis of S.A. of the complainant and statement of



four other witnesses recorded during inquiry, he finds prima facie case against this petitioner and other accused persons for the offence under Section-498A of the Indian Penal Code. The complainant has levelled specific allegation against this petitioner in the complaint petition.

The court below has, after looking into S.A. of the complainant and statement of four other witnesses recorded during inquiry, found prima facie case for the offence under Section-498A of the Indian Penal Code.

The learned Magistrate is only required to see prima facie case at the time of holding enquiry on the basis of allegation made in the complaint petition and the statement of witnesses, recorded during inquiry including the S.A. of complainant.

Therefore, this court does not find any illegality in the impugned order. Accordingly, this Cr. Misc. Application is dismissed.

The learned trial court is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25-8-17
Transmission Date	25-8-17

