

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17114 of 2014

Arising Out of PS.Case No. -379 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Lal Bahadur Chaudhary Son of late Ram Kishun Chaudhary Resident of village-
Ban Ke Bahuara, P.S- Kudhani, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Kumar Rai Son of Sri Uday Narayan Rai resident of village- Ban Ke
Bahuara, P.S.- Kudhani, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rajni Kant Pandey, Advocate.

For the Opposite Party/s : Mr. Amrendra Kumar Rai, Adv.

Mr. Sanjay Kumar.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 21-07-2017

Heard learned counsel for the petitioner and
learned counsel, appearing for opposite party No. 2.

This application has been filed for quashing the order dated 02-
11-2013 passed by learned Judicial Magistrate, Kaimur at Bhabua in
Complaint Case No. 379 of 2013 by which, the learned Magistrate has
taken cognizance against the petitioner for the offence under Section-
420 of the Indian Penal Code.

Counsel for the petitioner has submitted that the matter relates
to civil dispute. Counsel for opposite No. 2 has submitted that
cognizance has been taken in the year, 2013. The learned Magistrate
is only required to see prima facie case at the time of taking



cognizance.

From perusal of the impugned order it appears that the learned Magistrate has, during inquiry found prima facie case against the petitioner under Sections-420, 406 of the Indian Penal Code on the basis of allegation made in the complaint petition and the statement of witnesses recorded during inquiry.

Learned Magistrate is required to see only prima facie case at the time of taking cognizance.

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

The petitioner is given liberty to raise all the points as raised in this criminal miscellaneous application at the time of framing of charge before the court below, if, the charge has not been framed uptill now, which shall be disposed off by court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	
CAV DATE	
Uploading Date	31-7-17
Transmission Date	31-7-17

