

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20573 of 2014

Arising Out of PS.Case No. -4 Year- 2013 Thana -HARPUR District- MUNGER

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Mukta Molla @ Safiuddin Molla & Anr.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar

For the Opposite Party/s : Mr. Satyanand Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 09-08-2017 Despite repeated calls, on previous date and even today, no one appears on behalf of the petitioner to assist the court. Counsel for the State is present.

The instant application has been filed for quashing of the order dated 16.4.2013 in Harpur P.S. Case No. 4/13 whereby the Chief Judicial Magistrate, Munger took cognizance of the offence under sections 379 and 414/34 of the Indian Penal Code.

From perusal of the petition, it appears that petitioner has challenged the order taking cognizance on the basis of inadequacy of the evidence. The question of adequacy or inadequacy of evidence is not to be looked into while deciding petition under section 482 Cr.P.C. Proper course would be for the petitioner to establish before the court below that there is no evidence to proceed in the criminal case, since foundation of this petition is



lack of adequate evidence, this cannot be looked into in the instant proceedings. Therefore, the petition is bereft of merit. Accordingly, this application is dismissed.

(Anil Kumar Upadhyay, J)

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