

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43906 of 2013

Arising Out of PS.Case No. -462 Year- 2012 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

- =====
1. Lakhan Ram @ Ram Lakhan Ram
 2. Sadhu Ram
- Both sons of Jhapsi Ram
3. Jhapsi Ram, son of late Munshi Ram
 4. Parwati Devi, wife of jhapsi Ram
 5. Mintu Devi wife of Sadhu Ram
- All residents of village Chaurasi, P.S. Nagarnausa, Distt. Nalanda.
6. Mantu @ Mintu Devi, wife of late Bakhauri Ram, resident of Khema Bigha,
P.S.-Hilsa, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi, wife of Lakhan Ram, residing at Guzar Chak, P.S. Chandi, District-
Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-04-2017

1. The Petitioners seek quashing the order dated 6.10.2012 passed by the learned Sub Divisional Judicial Magistrate, Hilsa, in Complaint Case No. 462C of 2012 by which the learned Magistrate has found *prima facie* case under Sections 323, 498(A) and 504 of the Indian Penal Code against the petitioners and issued summons.

2. From the impugned order it appears that the learned Magistrate has on the basis of Solemn Affirmation of the



complainant and the statement of two witnesses recorded during enquiry and allegation in the complaint petition, found *prima facie* case against the petitioners for the offences under Sections 323, 498(A) and 504 of the Indian Penal Code

3. Heard learned counsel for the Petitioners and the State.

4. The learned Magistrate did not find sufficient material against the petitioners for the offences under Sections 312, 313 and 307 of the Indian Penal Code.

5. The learned Magistrate is only required to see *prima facie* case at the time of enquiry on the basis of allegation made in the complaint and the statement of witnesses recorded during enquiry.

6. From perusal of the impugned order, it appears that the learned Magistrate has after appreciating the statement of the witnesses during enquiry, found *prima facie* case against the petitioners for the offences under Sections 323, 498(A) and 504 of the Indian Penal Code and did not find *prima facie* case against the petitioners for the offences under Sections 312, 313 and 307 of the Indian Penal code.

7. Therefore, this Court does not find any reason to interfere in the impugned order dated 6.10.2012 passed by the learned



Sub Divisional Judicial Magistrate, Hilsa, in Complaint Case No. 462C of 2012.

8. Accordingly, the application stands dismissed.
9. The petitioner is given liberty to raise all the points as raised in this Criminal Miscellaneous application at the time of framing of charge in the court below which shall be considered and disposed off on its own merits without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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