

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51356 of 2014

Arising Out of PS.Case No. -123 Year- 2013 Thana -MAHILA PS District- JAMUI

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1. Vinod Pandey @ Binod Pandey S/o Shree Kant Pandey Resident of Village Kundari, P.S. + District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmod Kumar, advocate

For the Opposite Party/s : Mr. Shailednra Kumar-2 , A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-12-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

This application has been filed for quashing the order dated 28.10.2014 passed by learned Sub Divisional Judicial Magistrate, Jamui in Complaint case No. 1678 (c)/2013/ 873 (c) of 2014 by which the learned Magistrate after holding enquiry has found prima facie case against the petitioner for the offences under Sections 376/511 of the Indian Penal Code and 3 (d) PASCO Act.

Today, none appears on behalf of the petitioner. None appeared on behalf of petitioner on earlier date fixed in the case i.e. 11.12.2017. This Court has directed that in the event, the counsel for the petitioner does not appear tomorrow (i.e. on 12.12.2017) the case



will be disposed off on its own merit.

Learned counsel for the State is present.

From perusal of the impugned order, it appears that learned Court below after perusing the case record, chargesheet, protest petition and the statement of the Complainant recorded on solemn affirmation as well as statement of the other witnesses has passed the impugned order and found prima facie case against accused petitioner under Sections 376 and 511 of the Indian Penal Code.

The court below is only required to see prima-facie case at the time of holding enquiry.

Under such circumstances, this Court is not inclined to interfere with the impugned order. Accordingly, this application is dismissed.

The Court below will proceed in the trial in accordance with law.

(Sanjay Priya, J)

Sudha/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

