

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5717 of 2016

Arising Out of PS.Case No. -308 Year- 2015 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Amit Kumar Singh, son of Sri Upendra Singh, Resident of village- Akbarpur, P.S.-
Samho, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. M. Nayaz Nadeem, District Judge's Sherestadar-cum-Incharge Administration,
Civil Courts, Begusarai

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate.
For the Opposite Party/s : Mr. Ram Chandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 05-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 21.11.2015 passed by learned Chief Judicial Magistrate, Begusarai, in Complaint Case No. 308(C) of 2015 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offences under Sections 177 and 420 of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. Counsel for the petitioner has submitted that he has no intention to conceal any fact. Petitioner was convicted and



sentenced to undergo rigorous imprisonment for three years by learned Sub Divisional Judicial Magistrate, Begusarai, in Begusarai P.S. Case No. 272/1996(B) for concealment of fact which was upheld. He has further submitted that in the case bearing Begusarai P.S. Case No. 272/1996(B) the order was passed in Cr. Appeal No. 30 of 1996. In the aforesaid Appeal, the conviction was upheld and sentence was modified to the period already undergone by the petitioner. It has further been submitted that license has now been renewed on the basis of order of Hon'ble Supreme Court passed in Criminal Appeal Nos. 607-617 of 2018 arising out of S.L.P. (Crl.) Nos. 440-450 of 2018.

4. The court below on the basis of official complaint filed by the District Judge's Sherestadar-cum-In Charge Administration, Civil Court, Begusarai, has found prima facie case against the petitioner for the offence under Sections 177 and 420 of the Indian Penal Code.

5. The court below is required to see prima facie case only at the time of taking cognizance.

6. Therefore, this Court does not find any illegality in the impugned order passed by the learned court below.

7. This Criminal Miscellaneous application is, accordingly, dismissed.

8. Liberty is given to petitioner to raise all the points



as raised in this petition at the stage of framing of charge which will be considered and disposed off by the court below in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12/09/2018
Transmission Date	12/09/2018

