

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50889 of 2014

Arising Out of PS.Case No. -2105 Year- 2011 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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1. Sabrun Khatoon Wife of Md. Mustafa
2. Md. Mustafa Son of Late Nawli Hassan All residents of village malhipur, P.S.
Barauni, chakiya, O.P. Distt. Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Akthari Khatoon Daughter of Md. Akhtar Resident of Village - Phulwariya 2,
P.S. Phulwariya, Distt. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Sandeep Kumar Gautam, Adv.
For the State : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 24-01-2018

Earlier the matter was posted on 17-01-2018 but on that day, no one appeared either on behalf of the petitioner or on behalf of the opposite party No. 2. On that date, the case was ordered to be listed giving last chance to the petitioner but today also, no body has appeared on behalf of the petitioner.

This petition has been filed for quashing the order dated 14-12-2011 passed by learned Sub Divisional Judicial Magistrate, Begusarai in Complaint Case No. 2105C of 2011 by which and whereunder, the learned Magistrate has after holding enquiry, found prima facie case against the petitioners and other accused persons for the offence under Sections-498(A), 323, 379/34 of the Indian Penal Code and 4 of D.P. Act.

The learned Magistrate has mentioned in the impugned order



that during enquiry, the complainant in SA and five witnesses in their statement during enquiry have supported the case of the complainant. The learned Magistrate has accordingly found prima facie case against the petitioners along with co-accused Md. Khurshid for the offence under Sections-498(A), 323, 379/34 of the Indian Penal Code. The court below has not found prima facie case against other accused persons as mentioned in the impugned order.

In this manner, the court below has passed speaking order after proper application of mind on the basis of SA of the complainant and statement of five witnesses recorded during enquiry.

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

Therefore, this court does not find any illegality in the impugned order.

Accordingly, this quashing petition is dismissed.

The court below is directed to proceed in the trial in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-01-2018
Transmission Date	31-01-2018

