

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.688 of 2018

Arising Out of PS.Case No. -17 Year- 2011 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Jamshed Alam, Son of Md. Sakir, Resident of Village- Parsa Dumariya, Police
Station- Majhauiliya, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Rokeya Khatoon, Wife of Jamshed Alam and Daughter of Anwarul Haque,
Resident of Village- Parsa Dumariya, Police Station- Majhauiliya, District- West
Champaran.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.7, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-08-2018

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

2. This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 13.12.2011 passed by learned Chief Judicial Magistrate, Bettiah, West Champaran in Trial No. 401 of 2016 arising out of Majhauiliya Police Station Case No. 17 of 2011 by which cognizance has been taken against the petitioner and others under Sections 498A, 341, and 323 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. The petitioner is one of the named accused in the FIR. His wife Rokaiya Khatoon has made serious allegations in the FIR



regarding the manner in which she was subjected to cruelty by the accused persons including the petitioner for non-fulfillment of demand of dowry. The allegations made in the FIR were corroborated by the witnesses in course of the investigation pursuant to which charge-sheet was submitted against the petitioner on 28.07.2011. Taking into consideration the allegations made in the FIR and the materials collected in course of investigation including statement of witnesses recorded under Section 161(3) of Code of Criminal Procedure, the learned Magistrate took cognizance of the offences vide order dated 13.12.2011.

4. It is not stated as to what happened in the court of Magistrate after taking of cognizance in last more than six years.

5. The belated application for quashing of an order which was passed more than six years ago is nothing but an attempt to delay the disposal of the trial. Even otherwise, on merits, the petitioner has got no case.

6. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
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