

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25624 of 2015

Arising Out of PS.Case No. -1051 Year- 2008 Thana -MADHUBANI COMPLAINT
CASE District- MADHUBANI

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1. Adham Jatt @ Md. Adham Ali @ Adham Ali, son of late Salim Jatt.

2. Hamaulin Jatt @ Ham Jaoon Ali @ Hemayan Jatt, son of Shaukat Jatt.

Both R/o Sasaram Bufi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Amola Devi, W/o Ram Sakal Paswan, R/o Sasaram, P.S.- Bisfi, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 13-03-2018 The petitioners have challenged the order dated 18.12.2012, passed by the learned Sub-Divisional Judicial Magistrate, Madhubani in Trial No. 4309 of 2014 arising out of Complaint Case No. 1051 of 2008, whereby cognizance has been taken against the petitioners under Sections 144, 149, 447, 323, 427 and 379 of the Indian Penal Code.

Learned counsel for the petitioners has submitted



that the First Information Report lodged ended in submission of final report false. However, on protest petition, which was treated as complaint, cognizance has been taken.

From the perusal of the order impugned, it appears that the learned court below has gone through the complaint petition and has also discussed the deposition of the witnesses offered on behalf of opposite party No. 2 and has found out that a *prima facie* case under the aforesaid sections of the Indian Penal Code has been made out against the petitioners.

Learned counsel for the petitioners has submitted that earlier also, a case of similar nature was lodged by opposite party No. 2 against the petitioners, but the same was quashed by an order of this Court.

This may not be a good ground for quashing of the present order by which cognizance has been taken by the learned court below after taking into account all necessary materials available before it.

The petition is without merits and is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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