

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38767 of 2015

Arising Out of Complaint Case No.-1763 Year-2010 Thana- BHAGALPUR COMPLAINT
CASE District- Bhagalpur

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Bibi Rukhasana @ Bibi Ruksana, W/o Md. Anna @ Md. Hannan, Resident of
Sah Market, P.S. Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Sufiyan, S/o Late Md. Ahmad, resident of Village Sarai, P.S. Kotwali,
District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ramanuj Tiwary, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-12-2018

Heard Mr. Yogesh Chandra Verma, learned senior
counsel along with Mr. Ramanuj Tiwary, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned A.P.P. for the
State.

2. The petitioner has moved the Court for the following
relief:

*“ That this is an application for quashing the
order dated 12/05/15 passed in Cr. Rev. No. 59/15
by Learned Session Judge, Bhagalpur whereby and
where under learned Sessions Judge, has pleased to
dismissed Cr. Rev. No. 59/15 and thereby upholding
the order passed by the learned judicial Magistrate,
Bhagalpur in complaint case 1763/10 on 9/2/15*



whereby and where under Learned Judicial Magistrate has pleased to closed the evidence to the prejudice of the petitioner.”

3. The petitioner is complainant of Complaint Case No. 1763 of 2010, in which the opposite party no. 2 is alleged to have entered the house and assaulted the inmate and also having snatched a golden chain from the neck of the complainant. During the course of enquiry under Section 202 of the Code of Criminal Procedure, 1973, the petitioner wanted the examination of one Guriya Kumari and a date was fixed. However, the same could not materialize and the Court repeatedly gave dates and ultimately, the evidence of the petitioner was closed.

4. Learned counsel for the petitioner submitted that the witness was an eye witness and one opportunity be given so that she is examined as the opposite party no. 2 committing the offence should not go unpunished.

5. Learned A.P.P. submitted that the Court had given more than sufficient adjournments and the petitioner not being able to get the witness Guriya Kumari to come to the Court to depose, no further opportunity is required to be given. It was further submitted that even from a bare perusal of the entire complaint, the allegations appear to be cosmetic and unrealistic. Learned counsel further submitted that even from the body of the



complaint, the said witness Guriya Kumari has not even been referred to or mentioned in any capacity, much less that of an eye witness, and even in the column of witnesses, her name is not mentioned.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application. Accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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