

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23306 of 2018

Arising Out of PS.Case No. -216 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Chandan Kumar, Son of Dayanand Prasad, Resident of Village-Navinagar,
P.S.-Deep Nagar, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Daughter of Ram Sagar Singh Resident of Village-Misi, P.S.
Bakhtiyarpur, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s: Mr. Sanjay Prasad, Adv.

For the State : Mr. Sri Uma Shankar Prasad Singh, APP

For the Opposite Parties.: Kumari Sujata, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 04-10-2018

The petitioner is the husband of O.P.No.2. He is seeking quashing of the order dated 07.03.2018 passed by the learned Sub-Divisional Magistrate, Barh, Patna in Complaint Case No. 216-C/15 by which the learned Sub-Divisional Magistrate has rejected the application preferred by the petitioner to discharge him.

It appears on perusal of the impugned order that in course of evidence before charge, the complainant has supported her case by producing as many as four



witnesses. The contention of the learned counsel for the petitioner is that they are all family members of the complainant.

In the opinion of this Court, at this stage, the order dated 07.03.2018 cannot be interfered with on the sole ground that the witnesses who were produced in course of evidence before charge were the family members of the O.P. No. 2.

Learned counsel has further taken a plea of territorial jurisdiction, as according to him, no part of the cause of action arose within the jurisdiction of the Court in question and according to him, the cause of action arose solely within the jurisdiction of the Nalanda Court.

Again in the opinion of this Court, this issue cannot be decided as it is a mix question of facts of law and such issues may be decided if so raised in course of trial on the basis of materials collected in course of evidence. To that extent liberty is granted to the petitioner.



No interference is required with the impugned order at this stage.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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