

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58394 of 2018

Arising Out of PS. Case No.-212 Year-2016 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Rafiunnisa @ Rafiul Nisa, W/o Md. Khurshid,
 2. Husne Bano, W/o Md. Nurul, Both Residents of Village-
Bikrampur Bandedih, P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mushari Begum, Wife of Late Anwarul, Resident of Village- Bikrampur
Bandedih, P.S.- Samastipur, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar
For the Opposite Party/s : Mr. Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-11-2018 The petitioner is aggrieved by order dated 11.05.2018
passed by learned Special Judge, Prevention of Child Sexual
Offence Crime Act, Samastipur in connection with Samastipur
Mufassil P. S. Case No. 212 of 2016 instituted under Sections
363, 365, 366A/34 of the Indian Penal Code by opposite party
no. 2.

Learned counsel for the petitioner submits that upon
investigation the Police has submitted final form but later on the
opposite party no. 2 filed a protest petition which was treated as
complaint case and on the basis of depositions of inquiry
witnesses and the statement on oath of opposite party no. 2, the
learned Magistrate decided to take cognizance and issued



summons to the petitioners.

It, however, appears that save and except a copy of protest petition and the statement of the complainant on oath, the other materials such as the depositions of inquiry witnesses have not been brought on record.

In past this Court has experienced that in most of the cases arising out of complaint case the petitioner of the case is not enclosing the copy of depositions of inquiry witnesses and in order to caution the parties, a notice has been published at the top of the cause list of this Court directing the learned counsel for the petitioner to ensure filing of the depositions of the inquiry witnesses in the criminal miscellaneous quashing matters arising out of complaint cases. Despite such notice as no step has been taken to place on record the relevant materials, this Court would be unable to examine the legality and validity of the impugned order.

This application is, therefore, dismissed with liberty to the petitioner that in case in future the petitioners would like to come with complete relevant records before this Court, they can do so within a reasonable period.

The application is, therefore, dismissed accordingly.

The certified copy already enclosed with the present



case may be used by the petitioner if a fresh application is filed.

(Rajeev Ranjan Prasad, J)

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