

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1179 of 2016

Arising Out of PS. Case No.-148 Year-2012 Thana- DHAKA District- East Champaran

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Jitendra Jha @ Jitendra Kumar Jha Son of Achutanand Jha Resident of
Village-Bhandar,P.s Dhaka, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Archana Devi daughter of Late Chedi Thakur and wife of Jitendra kumar jha
resident of Village Vishnupur, P.s Kataha, District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr. C.Sen Pd.Singh, (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 11-09-2018

This petition under Section 482 Cr.P.C. has been filed
for quashing the order dated 04.09.2013 passed by the
S.D.J.M., Motihari in Dhaka P.S. case no. 148 of 2012 by
which learned Magistrate has taken cognizance for the offence
under Sections 498A, 323 and 504 read with Section 34 of the
IPC and Section 3/4 of the Dowry Prohibition Act against the
petitioner.

Heard learned counsel for the petitioner and State.

Learned counsel for the petitioner has submitted that
the instant case has been filed after filing of the Divorce case by
the petitioner against the informant on 19.01.2013.

The learned court below has mentioned in the
impugned order that police after investigation submitted charge-



sheet against the petitioner. Learned Magistrate after looking into the materials available in the case diary and allegation in the written report has taken cognizance for the offence under Sections 498A, 323 and 504 read with Section 34 of the IPC and Section 3/4 of Dowry Prohibition Act.

As per written report petitioner is husband of the informant. There is specific allegation against this petitioner in the written report.

The Court below is only required to seen *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in impugned orders passed by the Court below.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.9.2018
Transmission Date	15.9.2018

