

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1035 of 2016

Arising Out of PS. Case No.-287 Year-2013 Thana- SIDHWARA District- Darbhanga

Sri Shyam Bhagat S/o - Ram Briksh Bhagat resident of village Bhadbada, P.S.
- Singhwara, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad Singh

For the Opposite Party/s : Mr. Narendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 18-09-2018

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 17.7.2014 passed by the J.M. 1st Class Darbhanga in Singhwara P.S. case no. 287 of 2013 by which learned Magistrate has taken cognizance for the offence under Section 420 of the IPC and Sections 15(2) and 15(3) of the Indian Medical Council Act against the petitioner.

The allegation against this petitioner is that he is a Jhola Chap Dentist. The informant, who is In-charge Medical Officer, Singhwara has alleged in the F.I.R in light of letter no. 3312 dated 12.11.2013, the Civil Surgeon-cum-Chief Medical Officer has directed the Incharge Medical Officer, Singhwara to hold an enquiry with regard to the certificates of Jhola Chap Doctors. The informant was directed by letter No. 1258 dated 08.04.2012 to keep a watch on the petitioner and to



hold an enquiry with regard to the genuineness of his certificate and if required, to lodge an F.I.R against him.

The informant inspected the matter and informed that no any medical degree has been provided by the petitioner. Hence, the FIR has been instituted.

The matter was investigated by the police and the police after investigation has also submitted charge sheet.

The learned Magistrate, after looking into the allegation in the written report and the materials available in the case diary has taken cognizance against the petitioner for the offence under Section 420 of the IPC and Sections 15(2) and 15(3) of Indian Medical council Act.

Learned counsel for the petitioner has pointed out Annexure-2 and submits that in support of the degree on the basis of which he was practicing, is a degree issued from the Alternative Medicines Research Foundation, New Delhi.

This Court is of the view that all these things could be properly adjudicated at the time of trial .

The learned Magistrate is only required to see *prima facie* case at the time of taking cognizance. Therefore, this Court does not find any illegality in the impugned order.

This Cr. Misc petition, is, accordingly dismissed.



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

The petitioner is given liberty to raise all the points, as raised in the present application, at the time of framing of charge, which shall be considered and disposed off by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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