

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23372 of 2015

Arising Out of PS. Case No.-161 Year-2015 Thana- SIKARPUR District- West Champaran

Dr. Aftab Alam Son of Shafiullah khan Resident of village- Chanki Pipra, P.s
Shikarpur , District West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Smt. Nirmala Kumari APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-11-2019 No one appears on behalf of the petitioner even on
second call.

Petitioner in the present case is seeking quashing the
petitioner's prosecution arising out of Shikarpur P.S. Case No.
161 of 2015 for offences under Sections 420, 467, 468, 471 &
353 of the Indian Penal Code.

The case being an old case and even on repeated call
no one appears for the petitioner.

This court has gone through the materials available on
the record. It is found that the allegation against the petitioner is
that in course of raid conducted by a team constituted by the
Sub-Divisional Officer it was found that the petitioner was
running a nursing home illegally and he is not having requisite
qualifications and degrees to run the nursing home and clinics.



He was indulging in conducting ultrasound of the patients and for this reason the Incharge Medical Officer, Primary Health Centre Narkatiyaganj has lodged the present F.I.R.

After investigation police has submitted a charge-sheet against him based on that cognizance has been taken and petitioner has been summoned by the learned Magistrate. In the petition the contention of the petitioner is that because of the tremendous growth of the nursing home and the professional rivalry with physicians of the locality the present case has been lodged.

This court is of the considered opinion that such issues cannot be gone into by this court for purpose of quashing of the order taking cognizance when the learned Magistrate having been fully satisfied with the materials collected by the police has found prima-facie against the petitioner.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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