

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10738 of 2015

Arising Out of PS. Case No.-1077 Year-2006 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Jai Prakash Srivastava, Retd. D.S.P., Son of Late Dina Nath Prasad, Resident
of Village Ruia Bangra, P.S. Jiradei, District Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jagdish Sharma, Son of Late Dasrath Mistri, resident of village Shahpur
Tikari Road, P.S. Aurangabad (T), District Aurangabad (Bihar).

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Senior Advocate Mr. Rakesh Singh, Advocate
For the State	:	Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-06-2019 Heard Mr. Krishna Prasad Singh, the learned senior
counsel appearing on behalf of the petitioner.

The petitioner has filed this petition to quash the order dated 06.11.2009, passed by learned Judicial Magistrate, 1st Class, Aurangabad in Complaint Case No.1077 of 2006 by which the learned Judicial Magistrate found *prima facie* case after enquiry under Sections 448, 323 and 504 of the Indian Penal Code to proceed against the petitioner and to quash the order dated 14.11.2014, passed by learned Additional Sessions Judge-IV, Aurangabad in Criminal Revision No.30 of 2012 by which the revision preferred by the petitioner has been dismissed.



Mr. Krishna Prasad Singh, the learned senior counsel for the petitioner submits that the genesis of the case is unbelievable. The petitioner was posted as Police Inspector and the allegation that the petitioner abused and assaulted the complainant is unbelievable but from the order itself it appears that the complainant and his witnesses have very categorically stated that the petitioner entered into the house of the complainant, abused and assaulted him, therefore, I find that the learned Judicial Magistrate has rightly found *prima facie* case to proceed against the petitioner and issued summons under Sections 448, 323 and 504 of the Indian Penal Code.

Having considered the facts aforesaid, I do not find any merit in this petition. Accordingly, the same is dismissed.

If the petitioner surrenders in the court below, the trial court shall dispose of the case as the case is very old without being prejudiced by order of this Court.

(Prabhat Kumar Jha, J)

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