

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82324 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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RAVI PRAKASH, Son of Rambachan Singh, Resident of Village - Prasad Vigaha, P.O. - Sansa, P.S.- Daudnagar, District - Aurangabad (Bihar) and at present posted as Assistant Branch Manager, Bank of Baroda, Branch- Bariyavan, P.S. - Batkhari, District - Ambedkarnagar, Utter Pradesh..

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sashibala Kumari, Wife of Ravi Prakash Resident of Village - Prasad Vigaha, P.O. - Sansa, P.S.- Daudnagar, District - Aurangabad (Bihar) and daughter of Girjanandan Singh, resident of Mohalla - patel Nagar, near Murti Niwas Ankodhi College, P.O. and P.S.- Daudnagar, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 31-01-2020

Heard learned counsel for the parties.

2. This application has been filed under Section 482 of the Cr.P.C for quashing the order dated 14.10.2019 passed by learned S.D.J.M, Daudnagar at Aurangabad, in Complaint Case No.175 of 2019, instituted under Sections 498(A), 323, 379 of the Indian Penal Code and Section 3/4 of D.P. Act. by which learned court below has taken cognizance under Sections 498(A) and Section 4 of the D.P. Act against the



petitioner.

3. Complainant who is wife of the petitioner has alleged that after her marriage with petitioner, he used to torture and assault her for non-fulfillment of demand of dowry and one day when she went to the official residence of her husband, she was ousted from there by him.

4. Complainant was examined on SA and in support of her case, Inquiry witnesses were examined and on the basis of materials available on record, the court found that *prima facie* case is made out against the petitioner and took cognizance under Sections 498(A) and Section 4 of the D.P. Act and issued summons for his appearance to face trial.

5. At the stage of taking cognizance the court has to form an opinion on the basis of materials available whether a *prima facie* case is made out against the accused or not.

6. The defence of the accused cannot be considered at the time of taking cognizance. This Court in its inherent jurisdiction cannot substitute its view regarding sufficiency or adequacy of material before the court below at the time of taking cognizance and issuance of summons against accused as same is within exclusive domain of trial court, as such, I am not inclined to interfere with the order impugned.



7. However, the petitioner will be at liberty to raise all the issues raised before this Court as well as other points available to him in accordance with law at subsequent stage of trial.

8. Subject to the aforesaid observation and liberty, this application is disposed of.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

