

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1080 of 2018

Arising Out of PS. Case No.-497 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ganesh Kumar, S/o Vishundeo Mahto, R/o Vill.- Udaipur, P.S.- Rosera ,
District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Dr. Satish Prasad Singh, S/o Kapildeo Singh, R/o Health Home Block, Road
Block Office, Rosera, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate
For the Respondent/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioner and Mr.
Yogendra Kumar, learned A.P.P. for the State.

Petitioner in the present case is aggrieved by and
dissatisfied with the order dated 08.08.2018 passed by learned
Sub-Divisional Judicial Magistrate, Rosera in Complaint Case
No. 497 of 2017 by which he has dismissed the complaint under
Section 203 Cr.P.C.

Learned counsel for the petitioner submits that in this
case the proposed accused had on his own submitted a written
argument on the record and the same was taken on the record by
the learned Sub-Divisional Judicial Magistrate, Rosera. It is
submitted that prior to taking cognizance and issuance of



summons he should not have taken the written submission of the proposed accused on the record.

Mr. Yogendra Kumar, learned A.P.P. for the State has opposed the present application. It is submitted that on perusal of the impugned order it would appear that the learned Sub-Divisional Judicial Magistrate, Rosera has not at all looked into the written submission of the proposed accused. The impugned order has been passed only on the basis of the materials which were brought on record by and on behalf of the complainant.

This Court has heard learned counsel for the petitioner and learned A.P.P. for the State as also perused the impugned order.

This Court finds substance in the submission of learned A.P.P. for the State. The learned court below has looked into the statement of the complainant on solemn affirmation and deposition of the three enquiry witnesses. The court has also noticed the judgment of Hon'ble Supreme Court in the case of **Jacob Mathew versus State of Punjab and Others** reported in **(2005) 6 SCC Page 1** and on the face of the materials present, in the opinion of this Court, the learned court below has rightly taken a view that no prima-facie case is found to proceed against the proposed accused.



This Court finds no illegality or infirmity in the
impugned order.

This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

