

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59573 of 2021**

Arising Out of PS. Case No.-108 Year-2017 Thana- NATWAR District- Rohtas

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SANJEET KUMAR UPADHYAY @ SANJEET UPADHYAY

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This application is being filed for quashing the order taking cognizance dated 23.08.2019, passed by Learned Judicial Magistrate 1st Class, Bikramganj, Rohtas in Natwar P.S. Case No. 108 of 2017 dated 06.12.2017 in which Learned Judicial Magistrate 1st Class, Bikramganj, Rohtas, took cognizance for the offence under sections 498(A), 304(B), 120(B) of the Indian Penal Code and 3/4 of Dowry Prohibition Act against the petitioner.

The petitioner at the stage of cognizance wants this Court to hold a mini trial and wants acquittal by relying on his affidavit evidence which is not permissible in the



light of the Judgment of the Supreme Court in the case *State of Bihar Vs P.P. Sharma, reported in 1992 Supp (1) SCC 222.*

Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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