

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34235 of 2016**

Arising Out of PS. Case No.-50 Year-2013 Thana- ROH District- Nawada

Mahendra Sao @ Mahendra Prasad S/o Visheshwar Sao, resident of Village-  
Roh, P.S.- Roh, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

12    25-11-2024                      Heard Mr. Pramod Kumar Verma, learned counsel  
for the petitioner and Mr. Binod Kumar No. 3, learned APP for  
the State.

2. The instant criminal miscellaneous petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') for setting aside the order dated 02.01.2016 passed by the court of learned Judicial Magistrate 1<sup>st</sup> Class, Nawada, in connection with Roh P.S. Case No. 50 of 2013 by which the cognizance has been taken against the petitioner of the offences under sections 292 and 293 of the Indian Penal Code (in short 'IPC') and section 7 of the Bihar Cinemas (Regulation) Act, 1954.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and



during the course of investigation, no witness said anything against the petitioner, the police submitted the chargesheet against the two other persons and the petitioner was exonerated. Learned counsel further submits that the petitioner has no concern with the alleged shop or the alleged seized articles, in actual, he is the owner of the cloth shop named 'Pawan Saree Centre' in Roh Bazar and he never operated a cinema hall and the learned trial court did not consider the materials available on the record in taking cognizance against the petitioner.

4. Learned APP for the State has opposed the petition of the petitioner and submitted that two prosecution witnesses, namely, Manoj Kumar and Md. Sazad Alam, mentioned in paragraph Nos. 7 and 8 of the case diary, have supported the prosecution case and the learned trial court has rightly passed the order impugned and the instant petition deserves to be dismissed.

5. Heard both the sides and perused the order impugned taking cognizance of the offences under sections 292 and 293 of the IPC and section 7 of the Bihar Cinemas (Regulation) Act against this petitioner which has been challenged in this Cr. Misc. petition. As per the allegation, in the house of one, namely, Chandrika Paswan, some obscene



pictures or videos were being played by this petitioner and upon getting information of the said activity, the Circle Officer, Roh raided the house of Chandrika Paswan and arrested two employees of the petitioner. During investigation, the Investigating Officer recorded the statements of several witnesses, out of them, two witnesses whose statements are mentioned in paragraph Nos. 7 and 8 of the case diary, stated that the alleged video of obscene pictures was being run by this petitioner. The main ground taken by the learned counsel for the petitioner to set aside the order of cognizance is that the police submitted the final form in his favour. But the same is not sufficient to exonerate the petitioner from the alleged offences which *prima facie* attract against him in view of the materials available in the case diary. Accordingly, this Court finds no force in this petition, hence, the same stands dismissed.

**(Shailendra Singh, J)**

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