

Satish Kumar Vs Subhash and Others

Court: High Court of Himachal Pradesh

Date of Decision: March 6, 2012

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 482
Penal Code, 1860 (IPC) â€” Section 120B, 147, 323, 34, 341

Hon'ble Judges: Kuldip Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Kuldip Singh, Judge

1. This petition has been filed against the order dated 28.10.2011 passed by the learned Sessions Judge, Bilaspur in Criminal Revision No. 6 of

2009 affirming order dated 12.3.2009 passed by the learned Judicial Magistrate 1st Class, Court No. 2, Ghumarwin, in Private Complaint No.

16/2 of 2008. The facts, in brief, are that petitioner had filed a complaint under Sections 323, 427, 341, 392, 147, 342, 379, 504, 506, 120-B

read with Section 34 IPC against the respondents. He examined himself and three witnesses namely Hussan Lal, Smt. Satya Devi and Smt.

Monika Kumari in support of the complaint. The learned Judicial Magistrate on the basis of the complaint and preliminary evidence issued process

against the respondents for offences punishable under Sections 323, 342, 504 and 506 read with Section 34 IPC. The order dated 12.3.2009

was assailed before the learned Sessions Judge, Bilaspur in Criminal Revision No. 6 of 2009 which was dismissed on 28.10.2011. It has been

submitted that the witnesses examined by the petitioner in support of the complaint are close relatives. The learned counsel for the petitioner has

submitted that the petitioners were earlier prosecuted for the same offences and the matter was decided by the Panchayat but no material has been

placed on record in support of this contention. The prayer has been made for acceptance of the petition and setting aside of the impugned order.

2. I have considered the arguments and the material placed on record. I have gone through the complaint and the statements of the witnesses

examined in support of the complaint. At the stage of issuing process the Magistrate is to satisfy himself whether prima facie case is made out or

not. The Magistrate has committed no error while issuing process on the basis of complaint and material on record. On factual side the issuing of

process has been considered by the learned Sessions Judge and he has also affirmed the order dated 12.3.2009. In petition u/s 482 Cr.P.C. the

jurisdiction is limited. On behalf of the petitioner, no error of jurisdiction has been pointed out. I am satisfied that there is no error either in the order

of learned Sessions Judge or in the order dated 12.3.2009. Resultantly, the petition fails and is accordingly dismissed, so also any pending

applications.