

**(2011) 08 JH CK 0067**

**Jharkhand High Court**

**Case No:** Writ Petition (Cr.) No. 390 of 2004

Sharif Ahmad @ Sharif

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision:** Aug. 19, 2011

**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 202
- Penal Code, 1860 (IPC) - Section 365

**Hon'ble Judges:** Prakash Tatia, Acting C.J.

**Bench:** Single Bench

**Final Decision:** Dismissed

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**Judgement**

Prakash Tatia, A.C.J.

1. By Court Heard learned Counsel for the parties.

2. The Petitioner has challenged the criminal case arising out of Public Complaint Report (PCR) Case No. 613 of 2003, Trial Case (T.R.) No. 919 of 2004 has been registered in the court of Judicial Magistrate, 1st Class, Godda, wherein the Judicial Magistrate after taking inquiry u/s 202 Code of Criminal Procedure took cognizance for offence punishable u/s 365 of the Indian Penal Code vide order dated 30th January, 2004. The Petitioner's contention is that the complaint is absolutely false and frivolous as there is no sister of the complainant and Petitioner has been wrongly implicated by submitting that Petitioner has abducted the girl.

3. From the facts above, it is clear that no such factual inquiry can be conducted in the writ petition, so as to find out whether complainant has sister or not or whether the Petitioner has abducted the girl or not and particularly in view of the fact that trial court took the cognizance after recording evidence of the witnesses, who fully supported the case of the complainant. Therefore, I do not find any illegality in the order taking cognizance by the learned trial court.

4. There being no merit, the writ petition is dismissed.