

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE-I, BENIPATTI-847223.**Case No.: - CR - 41 of 2020.****[Rani Devi Vs. Shyamnandan Mishra & Others.]****[CIS No.: BRMB-210001042020]**

➤ Complaint Filed u/Ss:- **147, 323, 341, 379, 354, 380, 384, 386, 406, 420, 452, 504, 34 of the IPC, 1860.**

• Present: - Preetam Kumar Ratan.
A.C.J.M.-I, Benipatti.

▪ For the Complainant: - Sri Mani Shankar Pratihast, Advocate (Enrolment No.: 1783/2007).

Order No.	Date of Order	Order With Signature Of The Magistrate	Office note as to action taken on order (If any) with date.
13	01-02-2021	The Physical Court is in function today as well. The complainant Rani Devi, W/O:- Late Vibhutinath Mishra, aged about 36-years, R/O:- Village:- Rampur, P.S:- Madhwapur, District:- Madhubani (hereinafter referred to as "the Complainant" only) is represented through his lawyer today. Record has been put for order on the point of summoning after conclusion of enquiry and hearing. The Complainant's Lawyer has already been heard on this point. ❖ Brief Case of the Complainant :- The case of the complainant as per bare perusal of his Complaint petition bearing its No.: 41/2020 filed u/Ss:- 147, 323, 341, 379, 354, 380, 384, 386, 406, 420, 452, 504, 34 of the IPC, 1860 as well as the testimonials of the witnesses, in nutshell, is as under:- "That the offence is related with the incident of the year-2006 (dated:- 14-03-2006) when the accused Shyamnandan Mishra executed an agreement to sell his 1 ½ Kathas of his land at the agreed amount of Rs. 45,000/- against which he received Rs. 30,101/-. But, later on the accused Shyamnandan Mishra and Laxman Mishra being the co-owner refused to execute the Sale Deed in favour of the complainant on due date for registration. In the meanwhile, both the accused has sold out that piece of land to another accused Jai Prakash Purbey. When on dated:- 17-01-2020 at about 05:00 P.M. all the accused persons armed with deadly weapons came and badly assaulted the complainant and her mother. Accused Shyamnandan snatched the gold chain from her neck. Lastly, the accused Laxman Mishra got signature of the complainant on blank stamp papers." ❖ PROCEDURAL HISTORY :- As per record, it is evident that firstly the complainant has filed this complaint-petition in this court of ACJM-I, Benipatti which was kept in the Personal File, after being registered, for enquiry, trial and disposal in accordance with law.	

Ratan.
01-02-2021

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13	01-02-2021 Contd.	❖ Materials Brought on The Record by the Complainant :- In course of the enquiry the complainant got himself examined on his solemn affirmation on oath u/s-200, Cr.P.C and also produced his two out of four named witnesses of the complaint-petition in course enquiry u/S.- 202, Cr.P.C. viz.; Akhileshwari Devi (EW-01) & Pradeep Kumar Jha (EW-02) to substantiate the alleged occurrence. Moreover, no documentary evidence relating to alleged offence has been filed on behalf of the complainant. <u>FINDINGS OF THE COURT</u> Perused the complaint-petition, S/A of the complainant, the testimonials of enquiry witnesses namely Akhileshwari Devi (EW-01) & Pradeep Kumar Jha (EW-02) recorded us/-202, Cr.P.C. and other materials available with the record which strongly suggests the commission of offences by all the accused named in the Complaint. Accordingly, on the basis of the entire materials available on record at this stage, a prima facie case u/ Ss.: - 323, 341, 379, 385 406, 418, 504, 34 of the IPC, 1860 is made out against all the accused named in the complaint-petition. Hence, it is hereby ----- <u>ORDERED</u> 1) That the accused (1) Shyamnandan Mishra, (2) Laxman Mishra, (3) Md. Modrif Nadaf, & (4) Jai Prakash Purbey (as named in the Complaint-Petition as the accused) are hereby summoned to face the trial u/Ss.: - Ss.: - 323, 341, 379, 385 406, 418, 504, 34 of the IPC, 1860. 2) The complainant is hence directed to file the essential requisites to issue summons against them within 15-days from today without fail.	

[Handwritten Signature]
01-02-2021

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Order No.	Date of Order	Order With Signature Of The Magistrate	Office note as to action taken on order (If any) with date.
13	01-02-2021 Contd.	3) Thereupon, the O/C is directed to issue the same after due verification and complete in all respects without any delay. & 4) The Office is further directed to get this order uploaded / updated in the CIS forthwith for needful. Put up this record on...<u>18-02-21</u> for further proceedings in accordance with law.  (P.K. Ratan) A.C.J.M.-I, Benipatti.	