

IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE

Present → Abhishek Kumar, SDJM, Naugachia at Bhagalpur

Complaint Case No. 557 of 2022

DATE	ORDER	Remarks
28-01-25		

	Ld. Counsel of the Complainant has not filed the haziri and nor the complainant is present in the court today. Case is fixed for SA of complainant on oath. Complainant Sabina Khatoon has filed this complaint petition against five (05) accused person in Court of learned ACJM-I, Naugachia at Bhagalpur, who after taking cognizance, transferred the case to this court for inquiry and trial. Complainant has not turned up for his examination from several dates. Perused the case record. On perusal of the record, it seems that complainant is absent from numerous dates. Several directions have been issued to the complainant but she has not shown any interest in the case. It serves the purpose well to refer here to the law as laid down by the Hon'ble Patna High Court in Bibi Gulshan vs The State of Bihar & Ors. [2007(1) BLJ 18 PHC] where the Hon'ble Court has, inter alia held that admittedly, one of the objects behind the provisions of Section 202 CrPC is to enable the Magistrate to scrutinize carefully the allegations made in the complaint with a view to prevent a person named therein as accused from being called upon to face an obviously frivolous complaint. In the case of Pepsi Foods Ltd. Vs. Special Judicial Magistrate, (1998) 5 SCC 749, the duty of Magistrate while passing summoning order in a complaint case has been clarified by the Hon'ble Supreme Court thus : <i>"Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion."</i> Therefore, finding no substance and merit in the case by observing the record on mere cursory glance, and also due to vagueness of the complaint, following orders has been passed. • The complaint petition is <u>dismissed</u> under section 203 of the Code of Criminal Procedure. • The office clerk is directed to deposit the record, complete in all respects and further completing all the procedural formalities, with the record room. /...../2025 SDJM Naugachia at Bhagalpur	
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