

IN THE COURT OF SUMITA RANJAN, JUDICIAL
MAGISTRATE FIRST CLASS EAST CHAMPARAN AT
MOTIHARI

Complaint case no. 2049/2019
Trial no. 351 /2024

DATE	ORDER	REMARK
29.07.2024	Complainant is absent. Accused is present. Record produced for order on petition filed by the accused person on 23.07.2024 with prayer to discharge the accused persons. Case called out. Heard the learned counsel for the accused person on the aforesaid petition and perused the case record. On perusal it appears that the instant case instituted upon complaint which is filed behalf of complainant Akhilesh Kumar Singh against sole accused namely Sonu Kumar. After enquiry, learned magistrate found prima facie case against accused under section 420 of Indian Penal Code and 138 NI Act. Subsequently after the appearance of the accused person, record was fixed for before charge evidence vide order dated 14.05.2020. After that complainant fail to produce any witnesses before charge in support of his case moreover the complainant remain absent without any pairvi since 09.09.2021, it shows that complainant has lost his interest in this case. Several time, this court directed the complainant to adduce witnesses and do proper pairvi, but in vain. Further, on 14.06.2023 the complainant, was given one last chance to adduce inquiry witnesses. Thereafter, after giving sufficient opportunities to the complainant to adduce witnesses, the before charge evidence was order to be closed on 21.07.2023. Now, coming to section 245(1) of the Cr.P.C. which state and requires that the question of framing charge to be preliminary one and test a prima facie case has to be applied. The expression prima facie case means a case established by prima facie evidence which in turns means evidence sufficient in law raise a presumption of fact or establish fact in question unless rebutted. Law advances the nature an amount of evidence which is sufficient to establish the prima facie case and through the burden of proof upon the other parties. That the court is not required at this stage to judge the truth veracity and effect of the prosecution evidence. Considering above facts and discussion made above it appears to this court that after evaluation the before charge evidence, there is no sufficient material available on the record to proceed and make out a prima facie case in absence of any allegation of the complainant. And thus this court finds that no case is made out against the above named accused person and hence accused Sonu Kumar is hereby discharged under section of 245 of code of criminal procedure.	



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Office is directed to act accordingly.



JMFC
East Champaran
at Motihari