

Assam Schedule VIII, Form No. 127

High Court Criminal Form No. (M) 106

ORDER SHEET FOR MAGISTRATE'S RECORDS

DISTRICT: Sonitpur

IN THE COURT OF: Smti Priyanka Saikia, Munsiff No.2-cum-JMFC, Sonitpur, Tezpur.

C.R. CASE NO. 436/2022

Fatema Begum - vs – Md. Abdul Jabbar and other

Date	Order	Signature
15-06-22	<p>Case Record is received on transfer for disposal.</p> <p>Complainant is present along with his engaged counsel.</p> <p>I have perused the allegations made in the instant complaint. Upon perusal it is found that the complaint petition is accompanied by a prayer to get the complaint investigated into by police in order to secure the ends of justice.</p> <p>It is also seen that the instant complaint has been filed inter alia under Sec. 420, 506, 294, 323, 34 IPC which offence is not only cognizable but also grave and serious in nature. The grievance of the complainant is</p>	Contd.....

.....Contd	<p>that the accused person had committed cheating and thereby dishonestly induces him deceived to deliver his property.</p> <p>Considering the nature of allegations made in the instant complaint, I am of the opinion that a police investigation is required in this case for proper adjudication of the allegations.</p> <p>Section 156(3) of the Code empowers any Magistrate empowered to take cognizance of any cognizable offence to order investigation by Officer-In-Charge of concerned police station.</p> <p>The Hon'ble Supreme Court of India in the case of <i>Priyanka Srivastava & another vs. State of U.P. & others</i> (2015) 6 SCC 287 held that there has to be prior applications under Section 154(1) and 154(3) of the Cr.P.C. before filing a petition under Section 156(3) of the said Code. Both the aspects should be clearly spell out in the petition and necessary</p>	Contd.....
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<p>.....Contd</p>	<p>documents to that effect shall be filed.</p> <p>Such petition must be supported by an affidavit so as to put a deterrent effect on the casual invocation of jurisdiction under Section 156(3) of the Code. Such direction passed under the said provision must be conducive to justice and not an abuse of the process of law.</p> <p>As such, in exercise of power conferred upon this court under Sec. 156(3) of Cr.P.C. ,O/C Tezpur P.S. is hereby directed to register a case treating this complaint as an ejahar and investigate the same as per law.</p> <p>A copy of this order along with a copy of the instant complaint be forthwith forwarded to the O.C. Tezpur P.S. for information and necessary action</p> <p>The case is accordingly disposed of.</p> <p>B/A and D/A to do the needful.</p>	
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