

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.823 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

- =====
1. Somwati Devi, W/O Late Vidyasagar Prasad,
 2. Hemant Kumar @ Hemant Kr. Prasad, son of late Vidyasagar Prasad,
 3. Sonia @ Asha, D/O Late Vidyasagar Prasad, all R/O Village-Osaiya, Thana-Madhura, Distt-Saran at Chapra
 4. Rabindra Prasad, son of not known, R/O Village-Gousi, Amnour, P.S.-Amnour, Dist-Saran, Chapra

.... Petitioner/s

Versus

1. The State of Bihar &
2. Priti Kumari, d/o Barister Singh, r/o village-Kasdewra Pareman Tola, P.S.-Maharajganj, District- Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mallika Majumdar, Advocate

Ms. Shabda Verma, Advocate

For the Respondent/s : Dr. Indivar Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-04-2015

1. It appears that due to inadvertence before issuing notice to the Opposite Party No.2 by order dated 13.01.2015, this Court did not condone the limitation of twenty days.

2. For the reasons stated in the Limitation Petition, delay in filing the application is condoned.

3. The Petitioners seek revision of the order dated 18.01.2013 by which the Sub-Divisional Judicial Magistrate, Siwan, has rejected the application for discharge of the Petitioners in Maharajganj P.S. Case No.92 of 2006.

4. The prosecution case is that the Opposite Party No.2 was married to Anupam Kumar on 02.03.2006 on which occasion large

number of gifts were given to the in-laws. After marriage, she was tortured for ends of dowry and was not kept well. She was then taken to Firozabad by her husband where also the accused persons tortured and even attempted to burn. The Informant ran out and cried for help at which the villagers helped and then First Information Report was instituted.

5. It has been submitted on behalf of the Petitioners that it is true that spouses were married on 02.03.2006, but there was some incompatibility between the spouses on account of which the wife filed Matrimonial (Divorce) Case No.75 of 2007 before the Principal Judge, Family Court, Siwan, and the marriage was dissolved subsequently on 12.11.2008 on contest but expressing the views of the spouses that they did not wish to continue with their marital relationship.

6. In such circumstances, putting the Petitioners on trial would be an exercise in futility.

7. Accordingly, the order dated 18.01.2013 passed by the Sub-Divisional Judicial Magistrate, Siwan, in Maharajaganj P.S. Case No.92 of 2006 is hereby quashed in so far as Petitioners are concerned.

8. The application stands allowed.

(Anjana Prakash, J)

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