

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.801 of 2013

Arising Out of PS.Case No. -498 Year- 2012 Thana -null District- SAMASTIPUR

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1. Kala Kumari
2. Rubi Kumari
3. Babita Kumari Baby Kumari, all the three are daughters of Ashok Mandal @
Ramanuj Mandal, Resident of Village Sihuli, P.S. Khanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sonday Kumari D/o Siya Prasad Mandal, R/o vill.Sihuli, P.S. Khanpur, District
Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar, Advocate

For the Respondent/s : Mr. Aditya Narayan Singh No.I, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 24-04-2015

The Petitioners, who are young unmarried girls, seek quashing of the order dated 12.3.2013, by which the Sessions Judge, Samastipur in Criminal Revision No.498 of 2012 has directed the court below to take cognizance against the Petitioners also in Khanpur P.S. case No.169 of 2010.

The background facts of the case are that a First Information Report was instituted on 4.11.2010 by the Informant alleging therein that her mother had been assaulted by the accused persons including the present Petitioners. Subsequently after due investigation final report was submitted as against the Petitioners

which was accepted by the Magistrate, who decided not to proceed against the present Petitioners.

However, the Informant went in Revision. When the Revisional Court remanded the matter with a direction that the court below proceeded also against the present Petitioners. Being aggrieved thus they have moved the instant application.

It has been submitted on behalf of the Petitioners that the Petitioners are young unmarried girls being aged about 16 years, 12 years and 18 years respectively and the entire future would be jeopardized if they are tried in a criminal case of murder.

In order to do justice this Court required production of the postmortem examination report, which the Counsel for the Informant has done. The postmortem examination report is quoted below:

1) Abrasion over left elbow 1"x 1/16"

On dissection :- Skull. No evidence of any fracture or external injury.

Blood was found under evanial recill in left and right size of temporal and parital Labe.

Brain was congested.

Time elapsed since death was within 36 years.

In the opinion of the doctor, cause of death was due to brain haemorrhage caused by severe blow of hard and blunt substance.

It thus appears that there was no external injury found on

the person of the deceased. Taking the entire circumstances of the case and the interest of justice, the application is allowed and the proceeding including the order dated 12.3.2013 passed by the Sessions Judge, Samastipur in Criminal Revision No.498 of 2012 as against the Petitioners is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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