

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44716 of 2012

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Balmukund Pandey @ Rakesh Kumar Pandey S/O Jainath Pandey @
Radhey Shyam Pandey, R/O Village - Gamhariya, Police Station - Chakai,
District - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Dubey

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-05-2015 The petitioner is aggrieved by the order dated 27.09.2012 passed in Chakai P.S. Case No. 137 of 2010 by the learned Chief Judicial Magistrate, Jamui, whereby on disagreement with the police report, he has taken cognizance under Section 498A of the Indian Penal Code and has issued summons to the accused persons including the petitioner to face trial.

In the F.I.R. vide Annexure-1, the petitioner is named as an accused, being the husband of the informant, and there are specific allegations of demand of dowry and torture against him. On close of investigation, on the direction of the supervising officer, the Investigating Officer submitted final report vide Annexure-2 and the petitioner was not sent up for trial. However, learned Chief Judicial Magistrate, Jamui examined the entire materials including the case diary and came to a finding that in paragraph no. 1 to 11 of the case diary witnesses have fully supported the prosecution allegation against the petitioner. In that view of the matter, he disagreed with the police report vide Annexure-2, and took cognizance of offence under Section 498A

I.P.C. by the impugned order and issued summons to the petitioner for facing trial before the learned Magistrate.

After having heard the parties and on going through the entire materials available on the records, this Court does not find any good ground to quash the order taking cognizance under Section 498A of the Indian Penal Code.

In the result, the present application has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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