

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.333 of 2014

Arising Out of PS.Case No. -1088 Year- 2013 Thana -null District- SAMASTIPUR

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1. Md. Guljar son of late Md. Subedar
 2. Halima Khatoon wife of Md. Guljar
 3. Md. Amjad S/o Md. Guljar
 4. Ravina Khatoon wife of Md. Amjad
 5. Md. Ajad son of Md. Guljar
 6. Asma Khatoon wife of Md. Ajad
 7. Md. Sahjad S/o Md. Guljar
 8. Md. Sattar S/o Md. Guljar, all resident of village Bataha, P.O. Udaypur, P.S. Rosera, Distt. Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Rehana Khatoon wife of Md. Anwar, resident of village Bataha, P.O. Udaypur, P.S. Rosera, District Samastipur, at present address Rehana Khatoon D/o late Ainul Haque, village Phaphaut, P.O. Phaphaut, P.S. Khodawandpur, Distt. Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Advocate

For the Respondent/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The Petitioners seek revision of the order dated 23.11.2013/25.11.2013 passed by the Sessions Judge, Samastipur in Criminal Revision No.318 of 2013, by which he has set aside the order dated 24.4.2013 passed by the S.D.J.M., Rosera and directed the Court below to pass a fresh order in regard to the present Petitioners in Complaint case No.1088 of 2013 (Trial No.2543 of 2013). Subsequently by order dated 20.2.2014 cognizance was taken by the S.D.J.M., Rosera.

The case of the Complainant is that she was married to the relative of the present Petitioners on 12.6.2000 and lived with him

as his wife and gave birth to two children but the husband started pressurizing her for bringing dowry and married another lady and ousted her from the matrimonial home.

It has been submitted on behalf of the Petitioners that before the matter was heard by the Revisional Court they should have been noticed and hence the Revisional order is bad. Further in the facts of the case since there is nothing specific against them, they should not be put on trial.

On the last occasion notices had been issued to the Opposite Party No.2 but none appears on her behalf.

Having considered the provision of law as well as the facts stated in the Complaint Petition, I would be inclined to allow the present application. Hence the application is allowed and the order dated 23.11.2013/25.11.2013 passed by the Sessions Judge, Samastipur in Criminal Revision No.318 of 2013 is hereby set aside and subsequent order of cognizance as against the Petitioners is set aside.

(Anjana Prakash, J)

Narendra/-

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