

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18102-2015
Date of decision: 28.05.2015

Desh Bandhu Kaushik and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Naveen Singh Panwar, Advocate for the petitioners.

Rajan Gupta, J.

Petitioners have assailed order dated 8.5.2014, passed by Additional Sessions Judge, Bhiwani, whereby his revision petition against order framing charge has been dismissed.

Learned counsel for the petitioners has vehemently argued that the order passed by the revisional court is not sustainable. The court failed to appreciate pleas of the petitioners in correct perspective. It committed grave error while dismissing revision petition against order framing charge. He also assailed the order on the ground that court at Bhiwani had no jurisdiction to proceed with trial of the case.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

FIR was registered on complaint of Manju Sharma. She stated that she was married to son of the petitioners as per Hindu rites. At the time of her marriage, her father gave Rs.20.00 lacs in cash and a car.

Istridhan was given separately. Son of the petitioner is stated to be working as Assistant Professor in Surajmal Institute of Technology, Delhi. After marriage, husband demanded that her salary be handed over to him. He also took the ATM card of the complainant. Yet petitioners and their son i.e. husband of the complainant, complained that sufficient dowry had not been given as per their status. In January, 2010, demand of another Rs.5.00 lacs was made, which was fulfilled. After some time, accused demanded another Rs.60.00 lacs for admission of husband of the complainant in M.D. Course. On refusal of the complainant to pay, she was assaulted by the petitioners. Thereafter, effort was made to amicably settle the matter. Even at that time, demand of Rs.70.00 lacs was made for admission of son of the petitioners in Post Graduate Course. On inability of complainant or her parents to pay the amount, she was subjected to cruelty. After registration of FIR, investigation ensued and investigating agency presented challan before the competent court. Judicial Magistrate 1st Class, Bhiwani framed charge against the petitioners vide order dated 15.2.2014. Petitioners preferred revision petition against the said order raising various pleas including that of jurisdictional error. The court rejected the plea after considering all the contentions raised before it. It held that the court at Bhiwani had jurisdiction to try the case as dowry articles as well as Istridhan were entrusted to the accused at Bhiwani. The court relied upon Sections 178 and 179 of Criminal Procedure Code for arriving at this conclusion. I find no infirmity with the order passed by the revisional court. There is no merit in the plea that the court at Bhiwani had no jurisdiction to try the

accused. As regards arguments regarding the evidence available against the petitioners, suffice to say that the court has to see whether prima facie case is made out for proceeding further. There is, thus, no merit in this petition and the same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

28.05.2015
'Rajpal'