

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.32 of 2012

=====

1. Ram Bharos Sharma S/O Late Lal Bahadur Thakur, Village Mathia
Mohan, P.S. Dhaka, Distt. East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar Shathi S/O Tokh Narain Sathi Village Shiswa Mangal,
P.S. Dhaka, Distt. East Champaran
3. Tbk Narain Sathi S/O Not Known Village Shiswa Mangal, P.S. Dhaka,
Distt. East Champaran
4. Awadhesh Shathi S/O Tbkh Narain Sathi Village Shiswa Mangal, P.S.
Dhaka, Distt. East Champaran
5. Anil Shathi S/O Tbkh Narain Sathi Village Shiswa Mangal, P.S. Dhaka,
Distt. East Champaran
6. Sunil Sathi S/O Tbkh Narain Sathi Village Shiswa Mangal, P.S. Dhaka,
Distt. East Champaran

.... Opp. Party/s

=====

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the O.P. No.3 : Mr. Anshul, Advocate
: Mr. Shreyanshu, Advocate
For the State : Mr. Ranjit Ranjan, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 30-11-2016 This criminal revision application has been filed seeking setting aside of an order dated 03.11.2011 passed in Enquiry No. 210 of 2011 arising out of Protest-Cum- Complaint Case No. C-314 of 2011 by the learned Judicial Magistrate, 1st Class, Sikrahana at Motihari, East Champaran, whereby after having found that there was no sufficient ground available to proceed further, he has dismissed the complaint, under Section 203 of the Code of Criminal Procedure, 1973.



2. An F.I.R. was registered vide Dhaka P.S. Case No. 03 of 2010 on the basis of statement of the petitioner alleging commission of offence punishable under Section 304B read with Section 120B and 201 of the Indian Penal Code. Upon completion of investigation, the police submitted the final report as a mistake of fact.

3. The petitioner, who is father of the deceased, thereafter had filed complaint-cum-protest petition on which the said Enquiry No. 210 of 2011 had begun.

4. The court below, upon perusal of the evidence available in the said proceeding, has concluded in the impugned order that since there was no evidence of demand of dowry, soon before death of the deceased, essential ingredient to constitute offence under Section 304B of the Indian Penal Code was missing. Referring to the statement of the complainant and his son, the Court recorded that there was no allegation of demand of dowry and, therefore, there was no question of commission of offence under Section 304B of the Indian Penal Code.

5. Learned counsel appearing for the petitioner has attempted to persuade this Court, by taking me to the evidence of E.W.-1, the son of the complainant, that there was specific allegation of demand of a sum of Rs. 2,00,000/- before the death



of deceased.

6. I have perused the said deposition of E.W.-1. It appears from his statement that he alleged that opposite party No.2 had demanded from him a sum of Rs. 2,00,000/- for the purpose of acquisition of house in Delhi and that in the event of non-payment, the victim was tortured. Even if, what has been alleged in the said deposition is accepted, it cannot be said that any demand of dowry was made. Demand for the purpose of construction or purchase of house cannot be treated to be a demand for dowry. Further, I find that E.W.-1 has specifically stated that the deceased was put on Ventilator (life support system) in a hospital in Delhi when he (E.W.-1) learnt about the fact that the deceased was ill. It is not the case of the prosecution that the husband of the deceased had not taken the deceased to the hospital, whereafter she was put on life support system. This goes to show that the husband of deceased took all possible measures to save the life of the deceased.

7. Considering the facts and circumstances of the entire case, I do not find any legal infirmity in the impugned order passed by the court below. This criminal revision application has no merit, which is, accordingly, dismissed.

Brajesh/C

U		T	
---	--	---	--

(Chakradhari Sharan Singh, J.)

