

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41091 of 2015

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1. Basisth Sharma, S/o Late Sri Briksh Sharma

2. Devanti Devi W/o Sri Basisth Sharma

All resident of Village Upardaha, Post- Belsara, P.S.- Deo District-
Aurangabad at present R/o Mohalla V-104, Jai Bhavani Chaw, Sai Baba,
Gokhul Nagar, Akurli Road, P.S.- Kandivali (W) Mumbai-400040.

.... Petitioners

Versus

1. The State of Bihar.

2. Vinita Arjun Sharma w/o Pankaj Sharma, D/o Arjun Sharma R/o
Village- Paraiya Khurd, P.O.+P.S.- Pariya, District- Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat , APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 13-07-2016

Criminal Miscellaneous No. 41091 of 2015

By way of the present application preferred under
Section 482 of the Code of Criminal Procedure (for short
'CrPC'), the petitioners seek restoration of Cr. Misc. No. 17923
of 2013 which stood dismissed for want of non-prosecution vide
order dated 23rd July, 2015.

It is contended that due to mistake of the advocate
clerk, the list could not be marked and therefore, the advocate
conducting the case could not appear in time.

Regard being had to the submissions made at the Bar, Cr. Misc. No. 17923 of 2013 is restored to its original file.

The application is disposed of.

Criminal Miscellaneous No. 17923 of 2013

By way of the present application preferred under Section 482 of the CrPC, the petitioners seek quashing of the order dated 14.06.2012 passed by the Sub Divisional Judicial Magistrate, Gaya in connection with Complaint Case No. 598-C of 2011, whereby the petitioners have been summoned to face the trial for the offences punishable under Sections 498-A and 323 of the Indian Penal Code and 4 of Dowry Prohibition Act.

I have perused the complaint and the impugned order passed by the court below.

From the averments made in the complaint, I find that there is allegation that the petitioners subjected the complainant to physical and mental cruelty. The complainant has supported her version in her statement on oath and apart from the complainant, other witnesses examined during inquiry conducted under Section 202 of the CrPC have also supported the prosecution allegation made in the complaint and that apart learned counsel for the petitioners has submitted that the case has reached the stage of framing of charge.

In that view of the matter, I am not inclined to interfere with the impugned order passed by the court below. Accordingly, the application is dismissed.

However, the petitioners would be at liberty to take all points available in law at the stage of framing of charge before the jurisdictional Magistrate.

(Ashwani Kumar Singh, J.)

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