

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8632 of 2014

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Umesh Kumar Sinha Son of Late Brij Kishore Prasad resident of Mohalla
Madhubani Amlatola, at present resident of Zila School Road, Uttar Bhatta (Near Micro Tower), Police Station- K.Hat, District- Purnea.

.... Petitioner/s

Versus

1. Sunaina Sinha Wife of Late Raj Kumar Verma (daughter of Late Braj Kishor Prasad) resident of Mohalla- Lal Darwazza Shastri Nagar, Police Station AND District Munger, At present C/o Pankaj Kumar Sinha, Advocate, Mohalla- Amla tola, Madhubani, Police Station- K.Hat, District- Purnea
2. The Mithilesh Kumar Sinha
3. Pankaj Kumar Both 2 and 3 sons of Late Braj Kishor Prasad resident of Mohalla Amla Tola, Madhubani, Police Station- K.Hat, District- Purnea
4. Kamlesh Kumar Sinha Son of Late Braj Kishor Prasad resident of Uttar Bhatta, Zila School, Police Station- K.Hat, District- Purnea.
5. Asha Sinha wife of Binod Kumar Sinha (Daughter of Late Braj Kishor Prasad) resident of Tikulipar, Biharsharif, Police Station- Biharsharif, District- Nalanda.
6. Seema Sinha Wife of Sunil Kumar Dutta (daughter of Late Brij Kishor Prasad) resident of Biharsharif, Near Bandana Cinema, Police station- Biharsharif, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

3 29-03-2016 Heard Mr. Rajeeva Roy, the learned counsel for the
petitioner.

The assail in the present application under Article
227 of the Constitution of India is to the order by which the prayer

of the petitioner to initiate a proceeding under Section 340 Cr.P.C. has been rejected in the suit and the said order in the miscellaneous appeal by the appellate court below has also been affirmed.

After perusal of the orders passed by both the courts below, it transpires that the allegation of the petitioner is that some fraudulent or false statement was made by the respondents before the High Court. The petition was filed by the petitioner for inquiry under Section 340 Cr.P.C. before the trial court. After the rejection of the said petition, the petitioner also filed appeal but the appellate court below has dismissed the same.

After careful consideration of the matter and the submissions, this Court is not persuaded to interfere with the reasonings of both the courts below that the inquiry under Section 340 Cr. P.C. can be only by the court before whom the alleged fraudulent, fraud or false statement has been made.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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