

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5659 of 2015

Arising Out of PS.Case No. -3870 Year- 2012 Thana -SARAN COMPLAINT CASE District-
SARAN

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Prabha Devi wife of Late Shambhu Nath Pandey Resident of Village-
Tarwar(West Tola), P.S. Bheldi , District- Saran.

.... Petitioner

Versus

1. The State of Bihar.
2. Arjun Kumar Pandey@Arjun Pandey Son of Vishwannath Pandey
3. Most. Fulena Pandey Wife of Late Vishwanath Pandey
Both Resident of Vilalge- Tarwar (West Tola), P.S. Bheldi, District-
Saran.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Yashraj Bardhan, Advocate.
For the State : Mr. C.Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 29-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is an application for quashing the order dated
09.10.2014 passed by the learned Additional District Judge-VIII,
Saran at Chapra, passed in Cr. Revision No. 169 of 2014 by
which he has confirmed the order rejecting the complaint on the
protest petition filed by the petitioner.

3. The prosecution case as alleged that the husband of the
complainant died while he was sleeping in the verandah of the
accused persons. It is further alleged that the deceased and the
accused persons are descendent of common ancestor. The



complainant alleged that she has got two daughters and accused is the son of the brother of the husband of the complainant. The daughters of the complainant have already married. After information of death of their father, they (daughters) reached at the place of occurrence then accused took money from the daughter of the complainant and performed last rite of the husband of the complainant. After death of the husband of the complainant, the accused persons claimed that deceased had executed sale deed of his land, house as well as his shop in the name of accused-opposite party no. 3. It has been further alleged that accused persons started dispossessing of the complainant from the house of the deceased on which a complaint case has been filed. It has further alleged that accused persons got registered sale deed on 27.09.2011 whereas on 30.09.2009, Rs. 1,00,000/- was transferred from the account of accused persons to the account of the deceased.

4. However, there is no evidence regarding the matter but the complaint has been filed on the basis of substantial evidence since the registered sale deed executed on 27.09.2011 and on 30.09.2011, Rs.1,00,000/- was transferred from the account of the accused persons to the account of the deceased. However, evidence pointed out does not constitute a chain of circumstance

to point the guilt of accused as it is the accused only who has done the occurrence rather the evidence collected is only a suspicion. However, whatever allegation made in the complaint is only on the basis of suspicion that the husband of the complainant has been done to death by the accused persons and the said question has been raised on suspicion that sale deed has been got executed.

5. However, on the basis of the complaint, F.I.R. lodged. After investigation, police submitted charge sheet. The case proceeded on protest-cum-complaint. An enquiry was conducted in which seven witnesses have been examined.

6. However, except circumstantial evidence pointed out does not make out a chain of circumstance pointing to the guilt of the accused and whatever circumstantial evidence pointed is only suspicion.

7. Hence, I do not find any merit to interfere with the order of dismissal of criminal revision by the Additional District Judge and affirmed the order of dismissal of the complaint by the Judicial Magistrate.

8. As a result, the petition is dismissed.

m.p.

(Gopal Prasad, J)

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