

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9886 of 2013

Arising Out of PS.Case No. -539 Year- 2010 Thana -JEHANABAD COMPLAINT CASE District- -

1. Sahajnath Singh S/O Late Jagdeo Singh R/O Village - Balikarna, P.S. Jamhore,
District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar

2. Smt. Reena Kumari D/O Shri Sheoshankar Singh R/O - Village And P.S.
Ghoshi, District - Jehanabad At Present Residing At Mohalla Old Biji Colony,
Aunta Station, District - Jehanabad

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the State : Mr. Aditya Narayan Singh, APP

For Opposite Party No.2 : Mr. Ratnakar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-02-2016

By way of the present application preferred under
Section 482 of the Code of Criminal Procedure (for short "CrPC"),
the petitioner seeks quashing of the order dated 30.09.2010 passed by
the learned Sub Divisional Judicial Magistrate, Jehanabad, whereby
he has summoned the petitioner to face trial for the offences
punishable under Section 498-A of the Indian Penal Code and Section
4 of the Dowry Prohibition Act.

2. It has been contended by the learned counsel for the
petitioner that the allegation of demand of dowry and subjecting the
complainant to cruelty etc. has been made against the petitioner but
the entire occurrence is alleged to have taken place either at
Aurangabad or at Patna and hence, the learned Sub Divisional

Judicial Magistrate, Jehanabad had no jurisdiction to take cognizance of the offence or to summon the petitioner to face trial.

3. On the other hand, learned counsel for the Opposite Party No.2, referring to the deposition of four witnesses recorded under Section 202 CrPC, has submitted that father and other relatives of the complainant have clearly stated that immediately after marriage the complainant was being subjected to cruelty in her matrimonial home at Aurangabad for non-fulfillment of demand of dowry and, when the matter was reported to the parents of the complainant, they went to the matrimonial home of the complainant to persuade the accused persons, but in spite of that, the accused persons continued to demand an Alto car from the complainant and on non-fulfillment of the same, they subjected her to cruelty in various ways and ultimately kicked her out of her matrimonial home.

4. I have heard the respective counsel for the parties and perused the materials available on record.

5. Indisputably, the marriage had taken place at Jehanabad and after marriage the complainant was taken to her marital home at Aurangabad. There is specific allegation that she was subjected to cruelty in various ways for non-fulfillment of demand of dowry at Aurangabad. There is also evidence on record that the complainant had reported the matter to her parents, who were residing at

Jehanabad. On receipt of such information, they went to the marital home of the complainant and tried to persuade the petitioner not to coerce the complainant but their efforts went in vain and ultimately the complainant was thrown out of her marital home, whereafter she has taken shelter in her parents home at Jehanabad. It has also come in evidence of witnesses that even without obtaining a decree of divorce, the petitioner has married another woman.

6. Under the circumstances mentioned above, I am of the opinion that the complainant is being subjected to cruelty at the hands of her husband and his relatives continuously and since the offence alleged is continuing one, in view of the provisions prescribed under clause (c) of Section 178 CrPC, it cannot be said that the Magistrate at Jehanabad lacks territorial jurisdiction over the matter.

7. In that view of the matter, the summoning of the petitioner in exercise of power under Section 204 CrPC by the learned Sub Divisional Judicial Magistrate, Jehanabad cannot be faulted with. Accordingly, the application, being devoid of any merit, is dismissed.

8. Let the lower court records be sent back forthwith.

(Ashwani Kumar Singh, J)

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