

IN THE HIGH COURT OF JUDICATURE AT PATNA

SLA No.22 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- JEHANABAD

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1. Kishore Kumar Kishore, Son of Late Ram Bilash Singh, R/o Village- Bhane Bigha, P.S.- Makhdumpur, District-Jehanabad.

.... Appellant/s

Versus

1. The State of Bihar
2. Bishundeo Prasad Son of Late Ram Lakhan Mahto,
3. Sushila Devi W/o Bishnudeo Prasad
4. Premlata Kumari D/o Bishnudeo Prasad All Residents of Village-Dharampur, P.S. Shakurabad, District Jehanabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Kumar

For the Respondent/s : Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 29-11-2016

This petition, for leave to appeal against the judgment and order, dated 01.04.2016, passed, in Complaint Case No. 890 of 2011/Trial No. 455 of 2016, by the learned Additional Chief Judicial Magistrate, Jehanabad, has been filed under Section 378 (4) of the Code of Criminal Procedure, 1973.

2. The appellant is the father-in-law of respondent no. 4. The respondent nos. 2 and 3 are the father and mother of respondent no. 4.

3. It appears from the materials on record that the appellant filed the complaint case after respondent no. 4 had

lodged a criminal case against the appellant for the offence punishable under Section 498A of the Indian Penal Code.

4. The gist of the allegation, as made in the compliant petition, is that by an act of misrepresentation and cheating, the respondent nos. 2 and 3 got respondent no. 4 married to the appellant's son, though the marriage was fixed with some other girl.

5. Upon evaluation of the evidence adduced at the trial, the learned Trial Court recorded that no case of impersonation or cheating was made out on that basis inasmuch as the essential ingredients of Sections 416 and 419 of the Indian Penal Code were missing.

6. On perusal of the materials on record, I do not find any legal infirmity in the findings recorded by the learned Trial Court.

7. This petition has, accordingly, no merit and is, therefore, dismissed, at this stage itself.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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