

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52299 of 2013

Arising Out of PS.Case No. -922 Year- 2009 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Suma Devi Wife Of Nawal Kishore Singh Resident Of Village- Pawa, P.S.- Deepnagar, District- Nalanda At Present R/O Mohalla- New Area, P.S.- Kotwali (Nagar), District- Nawada
 2. Nawal Kishore Singh Son Of Late Kedar Singh Resident Of Village- Pawa, P.S.- Deepnagar, District- Nalanda At Present R/O Mohalla- New Area, P.S.- Kotwali (Nagar), District- Nawada

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-01-2017

The petitioners have preferred this application against order dated 16.1.2010 passed by the learned S.D.J.M., Gaya in Complaint Case No.922 of 2009/Tr. No.980 of 2013, after finding prima facie a case under Section 498(A) of the Code of Criminal Procedure, ordered for issuance processes.

The prosecution story in short is that marriage of the complainant , Shimpi Kuamri was solemnized with Sanjay Kumar on 14.5.2004 but at the time of marriage, her husband and father-in-law of the complainant demanded a Motorcycle but on assurance, the marriage was performed but their demand remained as it is, as a result, torture and assault of the complainant. Apart



from the above, earlier her husband had got married with another lady, who was killed by her husband and other family members.

Opposite Party No.2 had filed a complaint petition before the learned Chief Judicial Magistrate , Gaya stating that her marriage was solemnized with co-accused Sanjay Kumar on 14.5.2004 and at that time, her husband and his father-in-law demanded a Motorcycle but on the assurance that their demand will be fulfilled at the time of '*Bidai*', the marriage was performed but the accused persons repeatedly demanded a Motorcycle and for that they used to torture and assault the complainant . It is also a case of the complainant that her husband had already married with another lady, who was killed by him and other family members.

On the basis of the aforesaid complaint, Complaint Case No.922 of 2009 was instituted and transferred to the court of S.D.J.M., Gaya for enquiry and trial and the learned S.D.J.M., Gaya after enquiry under Section 202 of the Code of Criminal Procedure find a prima facie case against the petitioners under Section 498(A) of the Code of Criminal Procedure and hence ordered for issuance of processes. The aforesaid order taking cognizance is under challenge in the present case.



It is submitted on behalf of the petitioners that they are father-in-law and mother-in-law of the complainant and there is nothing against them in the entire complaint petition and as a matter of fact, the complainant (Opposite Party No.2) is living with the son of the petitioners at Nawada.

Heard learned A.P.P. also, who opposes the prayer of the petitioners on the ground that there are allegations against these two petitioners also.

In this case, notice was issued to Opposite Party No.2 but in spite of validly service of notice on Opposite Party No.2, he has not appeared.

Having heard both sides and without going into merit of the case, I think it proper that the petitioners should raise all these points at the time of framing of charges and the learned court below considering these facts will pass order.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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