

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33300 of 2014

Arising Out of PS.Case No. -328 Year- 2010 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Indra Bhusan Singh @ Sudhir Kr. Singh, son of Anti Singh.
 2. Neelam Singh, wife of Indra Bhusan Singh.
 3. Pranav Singh, son of Sudhir Kr. Singh, All resident of Mohalla - Tilak Manjhi near Shela Bhawan , Police Station -Tilak Manjhi, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rachna Asis, Daughter of Sri Mukesh Kumar Singh , resident of Khirnighat (Raja Bari) Bari Khanjarpur in the house of Sri Rama Nand Prasad Singh , Police Station - Barari , District - Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Singh, Advocate.
For the Informant	:	Mr. Sanjay Kumar Ghosarvey, Advocate.
For the State	:	Mr. Pradeep Narayan Kumar APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 11-08-2017

Heard learned counsel for the petitioners and the
learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, is directed against the order dated 11.04.2014 passed in G.R. Case No. 1349 of 2010, whereby the learned Sub-Divisional Judicial Magistrate, Bhagalpur, allowed the application of the informant-opposite party no. 2 for adducing the evidence.

3. The facts leading to this application is that informant-opposite party no. 2 lodged the Kotwali (Brari) P.S. Case



No. 328 of 2010, on 20.05.2010, for the offence under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act against her husband Pranav Kumar Singh, father-in-law Sudhir Singh, mother-in-law Neelam Singh and brother-in-law Vani Singh. On investigation, the police submitted charge sheet against only accused-petitioners for the offence under Section 498A of the Indian Penal Code and 3/4 of the Dowry Prohibition Act and after framing the charge the trial started against the accused-petitioners.

4. Learned counsel for the petitioners submits that, in course of trial, informant-opposite party no. 2 filed an application to close the evidence due to compromise entered in between the informant-opposite party no. 2 and accused-petitioners and accordingly the learned Sub-Divisional Judicial Magistrate, Bhagalpur, closed the evidence of the prosecution and recorded the statement of the accused-petitioners, under Section 313 of the Cr.P.C. But thereafter informant-opposite party no. 2 filed an application to permit her to adduce the evidence as terms of the compromise has been disobeyed by the accused-petitioners with submission that since the offence under Section 498A of the Indian Penal Code is not compoundable under Section 320 Cr.P.C., as such, closing of the evidence on the basis of compromise petition filed earlier is not maintainable. After hearing the informant-opposite party no. 2 and the



accused-petitioners, the learned Sub-Divisional Judicial Magistrate, Bhagalpur, allowed the application of the informant-opposite party no. 2 filed on 16.12.2013 illegally and fixed the date on 13.06.2014 for evidence.

5. On going through the impugned order, I find no illegality in the impugned order amounting to abuse of the process of the court for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Accordingly, this application is dismissed. However, the petitioners would be at liberty to raise his defence as raised herein in trial court at the appropriate stage.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.08.2017
Transmission Date	17.08.2017

