

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19210 of 2014

Arising out of P.S.Case No.3030 Year 2009 Thana PATNA COMPLAINT CASE District PATNA

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Pramod Sharma @ Pramod Kumar S/o Rajendra Sharma R/o village- Aama Tari,
P.S.- Rajauli, District- Nawada, Presently residing at Uma Das Lane, Road No.-4,
Near 19 No. Rani Rasmani Road, Kolkata-700087

.... Petitioner

Versus

1. The State of Bihar
 2. Jyoti Kumari W/o Pramod Kumar, D/o Ashok Sharma R/o village- Bargaon,
P.S.- Sirdala, District- Nawada, Presently residing at Mohalla- Budha Nagar,
Street No.-2, In The house of Sitaram Sao, P.S.- Kankarbagh, District- Patna
- Opposite Party/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Mr. Manoj Kumar-I, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-08-2017

Heard learned counsel for the parties.

2. The petitioner seeks exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C., 1973 for setting aside order dated 22.06.2010, passed by SDJM, Patna in Complaint Case No.3030(C) of 2009 whereby he has taken cognizance of the offence under Section 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act and also issued summons to the petitioner to stand trial in this case.

3. Learned counsel for the petitioner submits that though petitioner is husband but there is no any specific allegation against him. There is bald, sweeping and wild allegation levelled against the husband after lapse of 12 years of marriage and this present complaint



was filed after filing of divorce suit by the husband. On query, the learned counsel discloses that the divorce suit was dismissed for default.

4. However, the learned counsel appearing on behalf of opposite party no.2 submits that there is specific allegation against the husband, who is the applicant in the present application and refers the concerned paragraph of the complaint. On 20.12.2000 she was assaulted when the complainant refused to give jewelleryes and she was badly assaulted resulting into spinal injury for which she was treated in AIIMS, Delhi so having considered the rival submissions of both sides and on perusal of the records as well as the allegation levelled in the complaint case, this Court finds that the allegation against the petitioner, who happens to be the husband of the complainant, is specific and do make out a *prima facie* case against him so no ground is available for setting the order of cognizance.

5. Accordingly, the application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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