

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.733 of 2017

Arising Out of PS.Case No. -487 Year- 2014 Thana -BHABHU(KAIMUR) COMPLAIN C District-BHABHUA (KAIMUR)

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1. Sadhna Devi W/o Keshav Prasad Srivastava
 2. Kumud Devi W/o Ranjan Prasad Srivastava
 3. Ranjan Prasad Srivastava Son of Sri Bashishtha Muni Lal
All resident of Village-Repura, P.S.-Piro District-Bhojur
 4. Poonam Devi Wife of Santosh Kumar Srivastava
 5. Santosh Kumar Srivastava Son of Late Brahmeshwar Lal
Both Resident of Mohalla-Jagdeo Path (Rupaspur), P.S.-Rupaspur, District-Patna
 6. Shashi Devi W/o Arbind Kumar Srivastava
 7. Arbind Kumar Srivastava @ Arbind Kumar Son of Krishan Lal
Both resident of Village-Kalabagh and Near to Ramsundar Lal's Galio, P.O. + Thana-Ara, District-Bhojpur
 8. Jitendra Kumar Srivastava Son of Biyapati Lal, resident of Village-Maula Bagh, Near Gayatri Mandir adjacent to Advocate Manilal's House, P.O. + Thana-Ara, District-Bhojpur

.... Petitioners

Versus

1. The State of Bihar
2. Sweta Devi, Wife of Sri Anjani Kumar Srivastava, resident of Village-Balua, P.O.-Balua, Thana-Badahara, District-Bhojpur,
Presently residing D/o Late Shankar Dev Narayan Bhabua Ward No. 18, P.O. + P.S.-Bhabua, District-Kaimur

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Baxi S. R. P. Sinha, Sr. Advocate
Mr. Ajay Nandan Sahay, Advocate
Mr. Navin Kumar Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 15-09-2017

By this application preferred under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), the petitioners seek quashing of the order dated 11.04.2016 passed by the learned



Judicial Magistrate, Kaimur at Bhabhua in Complaint Case No. 487 of 2014 by which processes under Section 204 of the Cr.P.C. have been issued against them.

2. A complaint case was instituted against the petitioners by opposite party no. 2, vide Complaint Case No. 487 of 2014, under Sections 498-A, 406 and 120-B of the Indian Penal Code as also Sections 3 and 4 of the Dowry Prohibition Act.

3. The complainant was examined on solemn affirmation and in course of inquiry conducted under Section 202 of the Cr.P.C., three witnesses, namely, CW-1 Ranbindra Kumar Verma, CW-2 Ranjan Kumar Verma and CW-3 Ashok Kumar Srivastava were examined in support of the allegations made in the complaint.

4. The petition filed before this Court does not contain the statements of the complainant made on oath and the statement of witnesses recorded in course of inquiry conducted under Section 202 of the Cr.P.C.

5. In my considered opinion, the legality or otherwise of the order impugned cannot be ascertained in absence of those documents on the basis of which the learned Judicial Magistrate has formed his opinion to summon the petitioners to face trial of the offences punishable under Sections 498-A, 406 and 120-B of the



Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

6. In that view of the matter, the application is dismissed with liberty to the petitioners to file another application in the same subject matter, after annexing all the relevant documents.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2017
Transmission Date	19.09.2017

