

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1838 of 2015

Arising Out of PS.Case No. -259 Year- 2009 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

=====

Punam Kumari @ Swati, D/O Ram Lochan Singh, Resident of Kulhariya, Police Station - Koilwar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vidya Singh, W/O Manoj Kumar Singh, D/O Sri Kailash Singh, resident of village - Bidupur Katahariya, Police Station - Bidupur, District - Vaishali (Hazipur).

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 31-01-2017

Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and the learned counsel for the State.

2. This application, under Section 482 of the Code of Criminal Procedure, has been filed on behalf of the petitioner to quash the order dated 04.12.2014 passed in Sessions Trial No. 144 of 2014, whereby the court of Additional Sessions Judge-III, Vaishali at Hajipur, rejected the application of the petitioner filed, under Section 227 of the Criminal Procedure Code, to discharge her.



3. Learned counsel for the petitioner submits that petitioner is married sister-in-law (Nanad) of the informant, Vidya Singh. It is further submitted while she was named in the complaint as accused, which is the basis of the F.I.R., but no specific overt act has been attributed against her. It is further submitted that the police submitted the charge sheet against the petitioner without any material. The learned Additional Sessions Judge-III, Vaishali at Hajipur, also committed illegality in rejecting the application of the petitioner filed, under Section 227 of the Cr.P.C., for discharge her without going through the material available in the case diary. Further submission is that while the victim/informant was driven out to her matrimonial house on 02.02.200 but she filed the Complaint Case No. 08.07.2009, which is the basis of the F.I.R.

4. On going through the impugned order, it appears that the learned Additional Sessions Judge-III, Vaishali at Hajipur, passed the impugned order discussing the materials available on record arriving at conclusion that there is sufficient material for framing of the charge against the petitioner also. As such, 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 of this Court.



5. Accordingly, this application is dismissed .

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

