

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32773 of 2017

Arising Out of PS.Case No. -17 Year- 2013 Thana -SIRDALA District- NAWADA

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1. Gautam Prasad Verma, son of Krishna Prasad Verma @ Karu Saw Sonar,
 2. Krishna Prasad Verma @ Karu Saw Sonar, son of Late Gangu Saw Sonar,
 3. Uma Devi, wife of Krishna Prasad Verma @ Karu Saw Sonar, All residents of Village- Belaganj, (Andar Bazar) Gautam Jewellers, P.S.- Belaganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guriya Devi, D/o Lakhan Saw Sonar, wife of Gautam Prasad Verma, Resident of Village & P.S.- Belaganj (Bazar) District- Gaya, at present resident of Village & P.O. & P.S.- Sirdala, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Krishna Deo Raj, Adv.

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-12-2017 Heard learned counsel for the petitioners and learned counsel for the State.

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioners for quashing the order dated 07.06.2017 passed by the learned A.C.J.M.-V, Nawada in Sirdala P.S.Case No. 17 of 2013 by which the learned A.C.J.M. has rejected the petition filed by the petitioners under Section 239 of the Cr.P.C. for discharge from the case.

I have heard learned counsel for the parties and perused the record.



The petitioners are named in the First Information Report, which was instituted pursuant to an order passed under Section 156(3) of the Cr.P.C. There is allegation against them that they subjected the complainant to cruelty for non-fulfillment of demand of dowry in the First Information Report. In course of investigation, the statements of witnesses were recorded under Section 161 of the Cr.P.C. and the allegations were found to be true.

Having regard to the materials available on record, the learned Magistrate found sufficient ground for proceeding against the petitioners in respect of the offence punishable under Section 498-A read with 34 of the Indian Penal Code.

There is nothing on record on the basis of which it can be said that the order passed by the learned Magistrate was on wrong appreciation of facts or law. Learned Senior Advocate appearing for the petitioners submitted that the allegations made are false and concocted. However, this is not the stage to record finding of guilt or innocence.

In that view of the matter, I see no merit in this application. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Pradeep/-

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