

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21309 of 2014

Arising Out of PS.Case No. -25 Year- 2013 Thana -MAHILA P.S. District- PURNIA

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1. Moidur Rahman @ Maidur Rahman Son of Maulana Darjish Resident of Village
Banaili, P.S- Kaswa, District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Bibi Tarana Khatoon, D/o Mohammad Hasim, r/o Village Banaili, P.S. Kasba,
District Purnia.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Adv
For the State : Mr. Md. Aslam Ansari, APP
For the O.P. No. 2 : Mr. Vikram Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the parties.

This petition under Section 482 of the Cr.P.C has
been filed against the order dated 17.01.2014, passed by the
Sessions Judge, Purnea in Criminal Revision No. 17 of 2014
whereby and whereunder the court below has rejected the
revision petition filed by the petitioner against the order taking
cognizance under Section 498A of the Indian Penal Code.

The case was instituted under Section 498A/34 of the



Indian Penal Code on the basis of Complaint Case No. 1305 of 2013, filed by Bibi Tarana Khatoon (complainant) against Moidur Rahman (petitioner husband) and other relatives.

After investigation the police submitted chargesheet under Section 498A of the Indian Penal code against the petitioner husband namely Moidur Rahman, showing the other accused persons not sent up. The protest petition was also filed by the complainant, however, after going through the materials available on record and case diary, the court below took cognizance for the offence punishable under Section 498A of the Indian Penal Code against Moidur Rahman and held that no sufficient ground for issuing process against the remaining accused persons were made out.

Against the order taking cognizance the petitioner filed criminal revision before the Sessions Judge, Purnea on the ground that the order taking cognizance is bad as there is no material in the case diary as well as police paper, from which any offence under Section 498A of the Indian Penal Code is made out. The revision court also perused the lower court records, police papers and case diary and found that there was sufficient



ground in the case diary, police papers and materials available on record, for taking cognizance against the petitioner under Section 498A of the Indian Penal Code and dismissed the criminal revision. The petitioner thereafter has filed the present petition against the order taking cognizance as well as the order passed by the Sessions Judge, Purnea in Criminal Revision No. 17 of 2014.

There is no illegality or irregularity in the orders passed by the court below and as such no interference is required in the orders passed by the court below.

In the result, this petition fails and is, accordingly, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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