

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17436 of 2014

Arising Out of PS.Case No. -47 Year- 2013 Thana -MAHILA P.S. District- BHOJPUR

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1. Sachita Nand Sinha, son of late Gauri Shankar Prasad,
 2. Urmila Devi, wife of Sachitanand Sinha, both resident of village- Barka Gaon (Akhitayarpur), Police Station- Udwanthnagar (O.P. Gajrajganj), District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Ragini Sinha, wife of Manish Kuamr Sinha, d/o Binod Bihari Sinha, resident of village- Barka Gaon (Akhitayarpur), Police Station- Udwanthnagar (O.P. Gajrajganj), District- Bhojpur, at present resident of Anand Nagar, Ara, P.S.- Town Ara, District-Bhojpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhawaj Upadhyay, Advocate
For the Opposite Party/s : Mr. Ajay Kumar II, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 07-08-2017

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 15.02.2014 passed by the Chief Judicial Magistrate, Bhojpur at Ara, in Mahila P.S. Case No.47 of 2013 by which the learned Magistrate has taken cognizance against the petitioners and others for the offence under Section(s) 498-A/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

2. From the impugned order, it appears that the police after investigation has found the case true against these



petitioners along with husband of the informant, Manish Kumar Sinha, for the offence under Sections 498-A/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act. It further appears from the impugned order that the police have not sent up the accused, namely, Rinku Kumar (*Devar*), Satish Kumar Sinha (*Bhaisur*) and Rinki Kumari (*Nanad*).

3. In the complaint petition, which was sent to the P.S. under Section 156(3) Cr. P.C., the complainant/informant has levelled allegation against these petitioners and her husband for committing physical and mental torture with her for demand of dowry.

4. The police after investigation found the allegation against the petitioners true. Thereafter, the learned Magistrate after looking into the allegation in the complaint petition, which was sent to P.S. under Section 156(3) Cr. P.C., and the materials available in the case diary, found sufficient materials against these petitioners along with husband of complainant/informant, and took cognizance under Sections 498-A/34 Indian Penal Code and Section 3 of the Dowry Prohibition Act.

5. At the time of taking cognizance, learned Magistrate is only required to see prima facie case on the basis of allegation in the written report/complaint petition and the materials



available in the case diary.

6. Therefore, this Court does not find any illegality in the impugned order.

7. The application is, accordingly, dismissed.

8. Petitioners are given liberty to raise all the points, as raised in the instant application, at the time of framing of Charge in the Court below, which shall be considered in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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