

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34012 of 2014

Arising Out of PS.Case No. -233 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Chandra Kanta Bhagat @ Guddu, Son of Surya Narayan
 2. Suryan Narayan Bhagat, Son of Late Ishwar Bhagat
 3. Bimla Devi, Wife of Surya Narayan Bhagat,
Petitioner nos. 1 to 3 are presently resident of Mohalla - Bhagat tola, P.S. -
Godda (Town), District - Godda (Jharkhand).
 4. Aruna Kumari, Wife of Arun Kumar
 5. Arun Kumar, Son of Ramrup Bhagat
Petitioner nos. 4 and 5 are presently resident of PPO-G-77, Mohan Baba Nagar,
P.S. - Baddarpur, New Delhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. Suniti Ranjan @ Pinki Wife of Chandra Kanta Bhagat, D/o- Sadanand Prasad
Mandal Resident of Moffarganj, Garari Tola, Police Station & District -
Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 28-07-2017

Heard learned counsel for the petitioners and learned
counsel for the O.P. No. 2.

2. Petitioners have filed this application, under Section 482
of the Cr.P.C., challenging order dated 15.07.2014 passed by Sri
Ashok Kumar, S.D.J.M., Katihar in C.A. No. 233 of 2013, whereby
he has taken cognizance of offence under Section 498A/34 of the



Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. The case of the complainant, in brief, as narrated in the complaint, is that after solemnization of marriage of the O.P. No. 2/complainant with the petitioner no. 1 on 08.06.2010, came to her matrimonial home situated at Godda. Her husband was a Constable in C.I.S.F. and was posted at Dhanbad when marriage was solemnized but just after marriage, all accused persons started torturing her for realizing further dowry. It is alleged that mother-in-law, sister-in-law, brother-in-law and husband of the complainant started making demand of Rs.2,00,000/- as dowry and used to torture in this connection. The in-laws also used to make demand of dowry by phone to the complainant's relative at Katihar. Her husband along with another accused Arun Kumar came to her parents home at Katihar and made demand of Rs. 2,00,000/-. She was compelled to leave matrimonial home and returned back to his parents' home on 23.01.2012.

4. Learned counsel appearing on behalf of the petitioners submits that whole allegation shows that allegation of committing torture in the matrimonial home at Godda, so the territorial jurisdiction does not lie to the learned Magistrate at Katihar who has taken cognizance in the matter. Secondly, allegations are not specific even married sister-in-law and her husband too have been implicated



in this case.

5. Whereas learned counsel appearing on behalf of the O.P. No. 2 submits that as far as territorial jurisdiction is concerned, there is specific allegation that telephonically demand of dowry was made from the parents of the complainant who reside at Katihar and there is also specific allegation that once the husband as well as petitioner no. 5 (Arun Kumar) came to her parent's home at Katihar and reiterated the demand.

6. Having considered rival submissions and on perusal of record in particular the specific allegation that once the husband of the complainant along with Arun Kumar (petitioner No. 5) came at parent's home at Katihar and reiterated the demand. So in view of Sections 177 and 178 of the Code of Criminal Procedure, where a part of offence is committed, the case can be inquired and tried by a court within that territorial jurisdiction. So the court at Katihar has got the jurisdiction to make inquiry and do the trial in the present case. In case of *Geeta Mehrotra & Anr. vs. State of Uttar Pradesh & Anr.* reported as (2012) 10 SCC 741, has laid down the ratio that unless there is specific allegation against other family members of the husband relating to demand and torture, they should not be prosecuted.

7. In the present case, there is specific allegation against



the husband, father-in-law, mother-in-law, petitioner nos. 1, 2 and 3 respectively, that they used to make demand and torture the complainant and there is specific allegation against Arun Kumar that he along with complaint's husband came to her parents' home at Katihar and made dowry demand and humiliated her parents. There is no specific allegation against petitioner no. 4 Aruna Kumari, married Nanad of the complainant, which shows general and omnibus allegation against her. So the criminal proceeding including the cognizance order dated 15.07.2014 passed by Sri Ashok Kumar, S.D.J.M., Katihar in C.A. No. 233 of 2013 is set aside only with respect to Aruna Kumari.

8. As far as rest of the petitioners i.e., petitioner no. 1, 2, 3 and 5, are concerned, there is specific allegation against them so no ground exists for interference in the cognizance order against them. In the result, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2017
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