

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11197 of 2014

Arising Out of P.S.Case No. -245 Year- 2004 Thana -GOPALGANJ CITY District- GOPALGANJ

=====

Satendra Prasad Singh @ Salendra Kumar Singh Son Of Deogri Prasad Singh R/O
Mohalla - Ward No. 12, Gopalganj, P.S. And District-Gopalganj

.... Petitioner/s

Versus

1. The State Of Bihar
2. Usha Devi D/O Binda Prasad Singh R/O Village Bakhraur, Bishunpura Bazar,
P.S. Sidhwalia, District Gopalganj

.... Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Yogendra Prasad Sinha, Advocate
For the Opposite Party No.2	:	Mr. Kr. Veerendra Narayan, Advocate
For the State	:	Mr. Rajesh Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 17-07-2017

This is an application under Section 482 of the Cr.P.C.
for quashing the order dated 13.04.2007 passed by CJM, Gopalganj in
Gopalganj P.S.Case No.245 of 2004 whereunder the cognizance for
the offence under Section 494 of the IPC was taken against the
petitioner.

2. Heard and perused the record.

3. The petitioner is the husband of the informant
(Opposite Party No.2) against whom, it has been alleged that he
employed one Savita Devi in his school with whom he established illicit
relation. The petitioner subsequently ousted the informant. The matter was
enquired and police submitted chargesheet under Section 494 of the IPC and
accordingly, the court below took cognizance of



the offence.

4. The learned counsel for the petitioner submits that the allegation of second marriage with another lady is false and concocted. There is absolutely no material on record to show that this petitioner legally married with any lady. The cognizance order was challenged by the alleged second wife by filing Cr.Misc.No.38341 of 2010. The said criminal miscellaneous application was allowed by one of the coordinate Bench of this Court on 07.10.2013 observing that no offence would be made out against the petitioner from the allegation made in the FIR. In view of said quashing order, the prosecution of this petitioner is also bad and cognizance order with respect to this petitioner is also fit to be quashed.

5. Learned counsel for the informant on the other hand submits that in course of investigation a large number of witnesses have supported the allegation of second marriage of this petitioner with Savita Devi. He further submits that there are documentary evidence also. The petitioner has executed a registered deed of gift vide deed no.7638 dated 22.07.2014 in favour of Savita Devi. The petitioner has transferred the most of the valuable landed property worth Rs.12,35,000/- in favour of his second wife. In the said registered deed of gift he has described the said Savita Devi as his wife. He further submits that in the voter list Savita Devi has been



described as his wife. Besides the documentary evidence there are oral evidence also which establish the offence under Section 494 of the IPC and so the court below has rightly taken the cognizance order.

6. On perusal of annexures available on record, I find that the matter was investigated and chargesheet was submitted against the petitioner for the offence under Section 494 of the IPC. The court below has rightly taken cognizance under the aforesaid section. The defence of the petitioner shall be considered at the time of trial.

7. In view of the discussions, I do not find any illegality in the impugned order taking cognizance. This application is devoid of merit and is accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.07.2017
Transmission Date	24.07.2017

