

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35482 of 2013

Arising Out of PS.Case No. -200 Year- 2006 Thana -SAHPUR District- BHOJPUR

=====

1. Sarita Devi W/O Sanjay Jha, D/O Jagdish Pandey R/O Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai, At Present R/O Shahpur, P.O.- Shahpur, Distt.- Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Bindo Jha S/O Late Bateshwar Jha R/O Village- Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai. At Present Beside Asha Nagar Apartment Makhla Post Office, 1st Floor, T.N. Mukherjee Road Makhala Uttar Para, P.S.- Uttar Para, Distt.- Howrah (W. Bengal)
3. Ranjeet Jha S/O Late Bateshwar Jha R/O Village- Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai. At Present Beside Asha Nagar Apartment Makhla Post Office, 1st Floor, T.N. Mukherjee Road Makhala Uttar Para, P.S.- Uttar Para, Distt.- Howrah (W. Bengal)
4. Upendra Jha S/O Late Bengali Jha R/O Village- Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai. At Present Beside Asha Nagar Apartment Makhla Post Office, 1st Floor, T.N. Mukherjee Road Makhala Uttar Para, P.S.- Uttar Para, Distt.- Howrah (W. Bengal)
5. Mala Devi @ Pinki Devi W/O Binod Jha R/O Village- Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai. At Present Beside Asha Nagar Apartment Makhla Post Office, 1st Floor, T.N. Mukherjee Road Makhala Uttar Para, P.S.- Uttar Para, Distt.- Howrah (W. Bengal)
6. Guriya Kumari D/O Bateshwar Jha R/O Village- Balgudar, P.O.- Balgudar, P.S.- Lakhisarai, Distt.- Lakhisarai. At Present Beside Asha Nagar Apartment Makhla Post Office, 1st Floor, T.N. Mukherjee Road Makhala Uttar Para, P.S.- Uttar Para, Distt.- Howrah (W. Bengal)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kashyap

For the Opposite Party/s : Mr. Rajesh Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-01-2017 Heard the parties.

Petitioner has preferred the present application for quashing the order, dated 20.06.2008 passed by learned Sub-Divisional Judicial Magistrate, Ara in G.R No. 3287 of 2006



arising out of Shahpur P.S. Case No. 200/06 to the extent that learned Sub-Divisional Judicial Magistrate, refused to take cognizance against opposite party nos. 2 to 6 and discharged them.

Prosecution case in brief is that petitioner's marriage was solemnized on 24.06.2002 with one Sanjay Jha and at the time of Bidai opposite party no. 2 to 6 started to demand motorcycle. When the petitioner went to her matrimonial house, she was continuously being tortured by the accused persons for demand of dowry and at one point of time, the accused persons tried to administer poison to her. on 1.11.2006, the accused persons assaulted petitioner torned her cloth, snatched her jewellery and ousted her from her house.

On the basis of the aforesaid allegation, Shahpur P.S. Case No. 200/06, was registered and the police after investigation submitted charge-sheet against husband of the complainant and submitted final form against the accused persons including accused nos. 2 to 6, finding case not to be true against them. On the basis of the said final form, learned Sub-Divisional Judicial Magistrate has taken cognizance only against the husband of the petitioner.

Petitioner has preferred this application against the impugned order to the extent that learned Sub-Divisional has not



taken cognizance against the other accused persons (accused nos. 2 to 6), who are opposite party in the present case.

It has been submitted on behalf of the petitioner that learned S.D.J.M, without examining the materials available in case diary and only on the basis of final form submitted by the police, has not taken cognizance against the accused nos. 2 to 6, though there are allegations and materials available on record and as such the order not taking cognizance against opposite party no. 2 to 6 is not sustainable.

Heard learned Additional Public Prosecutor for the State also.

Having heard both sides after perusal of the materials available on record, it appears that in this case complaint was filed by the petitioner and on the basis of which Shahpur P.S. Case No. 200/06 was registered against the accused persons. From bare perusal of the complaint petition also there is no specific allegation against accused nos 2 to 6 except the husband of the complainant. It further appears from the perusal of the record that police has also found the case true only against the husband of the complainant and hence the charge-sheet was submitted against him and so far as other accused persons i.e. accused nos. 2 to 6 is concerned, the police has filed final form finding the case not true



against these accused persons and on the basis of which learned Sub-Divisional Judicial Magistrate took cognizance only against the husband of the complainant and not against other accused persons. Accordingly, I do not find any infirmity or illegality in the impugned order and hence, the present application is hereby dismissed.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

