

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43837 of 2013

Arising Out of P.S.Case No. -30 Year- 2013 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

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1. Yasomati Devi, Wife Of Bisnu Deo Pad Mistri
 2. Bisnudeo Pad Mistri, S/O Late Dukhi Mistri
 3. Lalitendra Kumar, Son Of Bisnodeo Pati Mistri

All are resident of village- Bharuv, P.S.- Obara, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Garima Devi @ Geeta Devi, Daughter Of Ram Awadh Sharma, Resident Of Vill.- Bank, P.S.- Akorhi Gola, Dist- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate.
For the State : Mr. Nasim Yahia, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-04-2017

1. This application has been filed for quashing the order dated 3.8.2013 passed by the learned Sub Divisional Judicial Magistrate, Dihri, in Mahila P.S. Case No. 30 of 2013 by which the learned Magistrate took cognizance under Section 498A, 186, 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

2. Heard both parties.

3. The prosecution case is that marriage of opposite party No. 2 took place in the year 2010 with petitioner No. 3. Petitioners started committing torture with opposite party No. 2 for demand of Rs.5,00,000/- after three days of the marriage. The



opposite party No. 2 filed complaint case No. 330 of 2012 for the aforesaid offence which is still pending before the Sub Divisional Judicial Magistrate, Dihri. It is alleged that on 15.5.2013 the opposite party No. 2 had gone to attend court with regard to that case. The petitioners assaulted her at the gate of court with rod along with her brother. Police on the basis of statement of opposite party No. 2 registered Mahila P.S. Case No. 30 of 2013 dated 15.5.2013 for the offence under Sections 498A, 307, 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

4. The police after investigation submitted charge sheet against petitioners for the offence under Sections 498A, 186 and 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

5. The learned Magistrate after looking into the materials in the case diary has found prima facie case against petitioners for the offences under Sections 498A, 186/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

6. The counsel for the opposite party No. 2 has submitted that the witnesses in the case diary have fully supported the case and there was sufficient material in the case diary. Thereafter, cognizance has been taken against the petitioners by the court below.

7. The court below is required to only see prima facie



case at the time of taking cognizance on the basis of allegation made in the written report and material available in the case diary.

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

9. Accordingly, the application is dismissed.

10. Petitioner is given liberty to raise all the points as raised in this petition at the time of framing of charge before the court below which shall be considered and disposed off in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.04.2017
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