

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 186 of 2017

1. Jasmeet Kaur W/o Gurjeet Singh, Aged About 36 Years R/o H I G C-33, Police Station- City Kotwali, Shailendra Nagar, Tehsil & District Raipur (Chhattisgarh)
2. Gurjeet Singh, S/o Harbansh Singh, Aged About 36 Years R/o H I G C-33, Police Station City Kotwali, Shailendra Nagar, Tehsil & District Raipur (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through, Officer- In- Charge, Police Station Baikunthpur, District Koriya (Chhattisgarh)
2. Smt. Amrita Kour, D/o Haranjeet Khalsa, Aged About 32 Years R/o Singh Auto Works, Baikunthpur, Bus Stand Kacharhi Para, Baikunthpur, District Korea Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Anant Bajpai, Advocate.
For State/Respondent No.1	:	Shri Anil Pandey, Govt. Advocate.
For respondent No.2	:	Unserved.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/07/2017

1. Heard on admission.
2. It is submitted by the counsel for petitioners that respondent No.2 has filed a written complaint against the petitioners and others without making any specific allegation against the petitioner regarding demand of dowry or giving torture to her even then the P.S.-Baikunthpur, District-Koriya has registered offence against them and filed charge-sheet before the Court of Judicial Magistrate First Class, Koriya. It is further submitted that petitioners have never resided with the remaining accused persons in the case, hence, have been falsely implicated by the respondent No.2/complainant. For these reasons, the petition deserves to be admitted and heard.

3. Learned counsel for the State submits that the petitioners are already charge-sheeted and facing trial. The statement of witnesses under Section 161 of Cr.P.C. demonstrates that allegation has been made against the petitioners with respect to demand of dowry from the respondent No.2 and also subjecting her torture in her matrimonial home. Hence, it is not a fit case to be admitted.
4. Perused the material on record and heard the parties.
5. As it appears from the documents on record, the submissions and allegations against the petitioners have been made by the complainant/respondent No.2 and the witnesses in the case concerned. What has been raised in this petition are clearly a matter of defence and if, the petitioners/accused persons succeed in the defence, then it will be under the jurisdiction of the trial Court to give relief to the petitioners by disbelieving the statement of the prosecution witnesses. Hence, for these reasons it is not a fit case to be admitted.
6. In view of above, this petition is dismissed at the motion stage. However, looking to the length of pendency of the case concerned, the trial Court is directed to conduct the trial and decide the case expeditiously preferably within a period of 6 months.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE