

HON' BLE DR JUSTICE SHAMEEM AKTHER

CrI.P. No. 6379 of 2017

ORDER:-

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the 1st respondent – State and perused the material on record.

The learned counsel for the petitioners has contended that there is no single recital in the report lodged with the police constituting the offence punishable under Section 498-A IPC but there is record to show that the petitioners have threatened the *de facto* complainant. The non-application of Section 498-A IPC is also to be agitated before the trial Court by filing a petition to discharge the petitioners for the said offence.

In view of the above submissions, the petitioners – A1 to A3 are given liberty to file such an application before the trial Court, and on such application being filed, the trial Court shall determine the same on merits within a period of 30 days from the date of its filing.

With the above direction, the Criminal Petition is disposed of.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

DR JUSTICE SHAMEEM AKTHER, J

28.07.2017

bcj