

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.894 of 2015

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Md. Sirajul Haque @ Md. Sarajul Sah, Son of Md. Saddik Sah alias Sahdik Nadaf, Resident of Village Rampur Khera, Ward No. 12, P.S. Uda Kishunganj, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Bibi (Most.) Rubi Khatoon Daughter of Md. Quaium Sah
 3. Md. Quaium Sah Son of Md. Mubarak Sah
 4. Bibi Amina Khatoon Wife of Md. Quaium Sah
 5. Md. Shamshad Sah Son of Md. Quaium Sah
 6. Md. Shamsher Sah Son of Md. Quaium Sah
 7. Md. Noor Alam Son of Late Avarul Sah
 8. Md. Parvej Alam Son of Md. Kanjul Sah
- All residents of Village Raum, P.O. Raun, P.S. Allauli, District Khagaria.
9. Md. Mehdi Hasan Son of Late Md. Abdul Ajij, Resident of Village Rani Sakarpura, P.S. Khagaria, District Khagaria.
 10. Bibi Simmi Khatoon Wife of Md. Murshid, Resident of Village Furee, P.O. Furee, P.S. Mansi District Khagaria.
 11. Md. Murshid Son of Md. Tufan Sah, Resident of Village Furee, P.O. Furee, P.S. Mansi District Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Adv.

For the State : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER



2 20-02-2018 Heard counsels for the petitioner and the State.

The complaint (Complaint Case No. 166 of 2015) filed by the petitioner has been dismissed under Section 203 of the Code of Criminal Procedure, 1973 (*in short* **"the Cr.P.C."**) by the learned Sub-Divisional Judicial Magistrate, Uda Kishunganj, Madhepura *vide* order dated 14.09.2015, which is under challenge in the present proceeding.

The petitioner has alleged in the complaint petition that his brother, Md. Seraj Sah died in the year 2010. His widow, thereafter, left her matrimonial home and went to stay with her parents of her own volition. Because of the bad financial condition of the petitioner, he went to Uttar Pradesh for earning his livelihood in the year 2014. It has been alleged that at that time, some of the accused persons, named in the complaint petition, came to Uttar Pradesh and took a house on rent in the neighbourhood of the petitioner. The petitioner suspected some foul play as at times, he found them talking to each other.

On 13.05.2014, it has been alleged that he was made to go with the accused persons to Gautam Budh Nagar Court in the State of Uttar Pradesh, where deceitfully he was made to sign on a blank piece of paper. Later, it has been alleged that he came back to his village home. There also, an effort was made to trouble him. On one particular day,



the accused persons came to his house and started assaulting him. When his mother protested, she too was assaulted and her clothes were torn. An attempt was also made by the accused persons to forcibly get him married to the Accused No. 1, who is the widowed sister-in-law of the petitioner.

The learned Sub-Divisional Judicial Magistrate, after perusing the complaint petition and the deposition of the witnesses offered on behalf of the petitioner, by an order dated 14.09.2015, held that no offence was made out against the accused persons/opposite parties and hence dismissed the complaint petition under Section 203 of the Cr.P.C.

On perusal of the complaint petition and deposition of the witnesses, truly, no offence can be said to have been made out, especially in view of the relationship between the parties and the vague and inchoate nature of allegations. Whether the signed blank paper was misused to disadvantage of the petitioner or whether the petitioner was married to Accused No. 1, without his wish, do not become evident from either complaint petition or from the deposition of the witnesses offered on behalf of the petitioner. The allegation of assault and taking away of valuable from the house also does not appear to be trustworthy, seeing the



background of the parties.

Though the learned Sub-Divisional Judicial Magistrate ought to have discussed the materials in the complaint petition and the deposition of witness, but merely because of his having passed an order without stating the details, this Court is not inclined to interfere with the order as this Court has gone into the complaint petition and the deposition of the witnesses.

Since no offence is made out from the reading of the complaint and the deposition of the witnesses, no interference is called for with the order impugned.

The petition is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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