

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44002 of 2014

Arising Out of PS.Case No. -2499 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT District-
EAST CHAMPARAN(MOTIHARI)

- =====
1. Kanti Shukla @ Kanti Devi wife of Late Baidyanath Shukla
 2. Sarita @ Sarita Devi daughter of late Baidyanath Shukla
 3. Rajesh Dubey Son of Anil Dubey

All are resident of village- Dehridih Deoghar-at Present residing at
Mohalla- Yarpur Rajputana, P.O. G.P.O., P.S. Gardanibagh,
District- Patna

... Petitioner/s

Versus

1. The State of Bihar
2. Pushpa devi Wife of Sri Navin Kumar Shukla, daughter of Bashistha Narayan Pandey resident of village and P.O.- Hussaini, P.S.- Dumariaghat, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilonjan Chatterjee, Advocate
For the Opposite Party/s : Mr. Madhurendra Kumar, APP
For the State : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 21-03-2018

Heard counsel for the petitioner and the opposite party

no 2.

2. Counsel for the petitioners submits that the petitioner no. 1 is the widow mother of the husband of the complainant, petitioner no. 2 is the married sister-in-law (nanad) and petitioner no. 3 is husband of the petitioner no. 2 and that they have falsely been implicated in this case. He submits that the complaint is nothing but a malicious prosecution as the same has been initiated in retaliation of the matrimonial case bearing no. 233 of 2011 filed by the husband of the complainant.



3. The petitioner's counsel has denied the averments made in the complaint that on 15.08.2010 all the accused persons threw out the complainant in pregnancy period and retained the ornaments worth Rs. 3 lacs by alleging that in the matrimonial case the husband of the complainant has specifically given the date on which the complainant was left as March 2010. It is also stated that no specific allegation has been made against the instant petitioners. It is also submitted that charges have already been framed against the petitioners by order dated 30.06.2017.

4. On going through the complaint petition, this Court is satisfied that there was sufficient material for arriving at a prima facie conclusion regarding taking cognizance.

5. This Court observes that the pleas raised by the petitioners may be look into at the appropriate stage by the learned court below in accordance with law as this Court in exercise of jurisdiction under Section 482 Cr. P.C., cannot look into the factual denial in respect of the allegation.

6. The application is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
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