

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57015 of 2017

Arising Out of PS.Case No. -108 Year- 2011 Thana -KURTHA District- JEHANABAD

=====

Md. Jamshed Alam, Son of Md. Athar Imam, Resident of Village- Dhamaul, Police
Station- Kurtha, District- Arwal.

.... Petitioner

Versus

1. The State of Bihar.
2. Nahid Parveen, Wife of Md. Jamshed Alam, Resident of Village- Dhamoul,
Police Station- Kurtha, District- Arwal. at present R/o Village- Pakahi, Police
Station- Makhdumpur (Tehta), District- Jehanabad.

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : None
For the State : Mrs. Pushpa Sinha, APP
For the informant : Mr. Umesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 27-07-2018

Nobody appears on behalf of the learned counsel for the
petitioner. Learned counsel for the opposite party no.2 is present.

2. This application under Section 482 of the Code of
Criminal Procedure (for short 'Cr.P.C.') has been filed by the
petitioner for quashing the order dated 17.10.2017 passed by the
learned Additional District Judge-1st , Jehanabad in Sessions Trial
No. 89 of 2017/42 of 2017 arising out of Kurtha P.S. Case No. 108
of 2011 by which the application dated 07.10.2017 filed under
Section 227 of the Cr.P.C. by the petitioner seeking discharge has



already been rejected.

3. The petitioner has been made accused in a case registered under Sections 498A, 323 and 313 read with 34 of the Indian Penal Code as also Sections 3 and 4 of the Dowry Prohibition Act. In the first information report, it is alleged that the informant was married to the petitioner on 20.01.2010. Immediately after marriage, he started demanding Rs.1,50,000/- and a motorcycle and for non-fulfillment of the same, the informant was mercilessly assaulted on several occasions, as a result of which a pregnancy of two months got terminated.

4. The allegations made in the first information report were investigated by the police. In course of investigation witnesses examined under Section 161(3) of the Cr.P.C. corroborated the allegations made by the informant and on completion of the investigation, police submitted charge-sheet against the petitioner and others.

5. Since the case was triable by the court of session, the learned Magistrate committed the case to the court of session. At the stage of framing of charge, an application seeking discharge was filed by the petitioner which was dismissed by the court below vide impugned order dated 07.10.2017 on the ground that there is sufficient material on record to proceed against the petitioner.



6. Learned counsel appearing for the State being assisted by the learned counsel for the informant submitted that by now, charges have already been framed and the case is pending for trial.
7. Having perused the materials available on record, I find that there is sufficient ground to proceed against the petitioner in the instant matter and in that view of the matter, if the court below has rejected the application filed under Section 227 of the Cr.P.C. by the petitioner, no fault can be found with such order.
8. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	01.08.2018

