

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6803 of 2018

Arising Out of PS.Case No. -80 Year- 2017 Thana -FALKAHA District- KATI HAR

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Shankar Poddar, son of Late Baldeo Poddar, Resident of village Telghi, P.S.
Kharik, District-Bhagalpur

.... Informant

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Kumar Virendra Narayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL JUDGMENT

Date: 02-02-2018

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

This application under Section 482 of the Code of Criminal Procedure has been preferred against the order dated 11.10.2017 passed by learned A.C.J.M.-Vth, Katihar in Falka (Pothia) P.S. Case No.80 of 2017, corresponding to G.R. No. 1213 of 2017, whereby the learned Magistrate has taken cognizance of the offence under Section 304B of the Indian Penal Code only against the husband of the deceased namely Sumit Poddar @ Bablu and not against her in laws namely Mahesh Poddar, Munna Poddar, Mukesh Poddar and Sushila Devi.

It is submitted on behalf of the informant petitioner that Sumit Poddar @ Bablu happens to be the husband of the deceased and



other accused persons are her in-laws, who committed murder of the deceased by setting her ablaze due to non coughing up the demand of dowry but the police has submitted charge sheet only against the husband of the deceased. Though the informant has filed protest petition against the same but ignoring the aforesaid protest petition of the informant, learned Magistrate took cognizance of the offence only against the husband of the deceased relying on the charge sheet submitted by the police. It is further submitted that all other accused persons, who happen to be the family members of the husband of the deceased along with her husband used to demand Rs. 2 lac in dowry and tormented her due to non-fulfillment of the aforesaid demand and finally burnt her to death, but the police in collusion of accused persons submitted charge sheet only against the husband of the deceased though all the accused persons named in the F.I.R. have taken active part in the aforesaid occurrence.

On perusal of the record, it appears that on the basis of fardbeyan of informant Shankar Poddar, Falka (Pothia) P.S. Case No.80 of 2017 was instituted against the husband of deceased namely Sumit Poddar @ Bablu and her in-laws named in the F.I.R. for demanding dowry of Rs. 2 lac and committing murder of the daughter of the informant by setting her ablaze, but after investigation of the case, police submitted charge sheet only against the husband of the



deceased, showing other accused persons as not sent up. The informant has filed protest petition on 01.06.2017.

From perusal of impugned order it appears that learned Magistrate on perusing the charge sheet and case diary and finding prima facie case only against the husband of the deceased has rightly taken cognizance of the offence only against the husband of the deceased. The informant has got opportunity to summon the aforesaid accused persons for facing trial after commitment of the case, if some material is brought on record against the aforesaid accused persons during the trial.

In the aforesaid facts and circumstances of the case, I do not find any illegality in the impugned order dated 11.10.2017 passed by learned A.C.J.M.-Vth, Katihar. Accordingly, this application is disposed of.

(Prakash Chandra Jaiswal, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06-02-2018
Transmission Date	06-02-2018

