

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43138 of 2017

Arising Out of PS.Case No. -2703 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Shambhu Sah son of Ramakant Sah, resident of Mohalla-New Jakkanpur, Shiv
Mandir, Goriya Math, P.S.-Jakkanpur, District- Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Khushboo @ Khushboo Kumari Gupta wife of Shambhu Sao, daughter of Jai
Rudra Prasad Gupta, permanent resident of Barwa Lakhaura, District- East
Champaran at present posted as Assistant Manager, HR, NIIT Foundation, New
Delhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
: Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party No.2 : Mr. Rajeev Roy, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 26-02-2018

Heard learned counsel for the petitioner, learned counsel for
the State and learned counsel for the complainant opposite party no.2.

2. In the present application filed under Section 482 of the
Code of Criminal Procedure (for short 'the Cr.P.C.'), the petitioner
has prayed for quashing of the order dated 03.03.2016 passed by the
learned Chief Judicial Magistrate, Motihari, West Champaran, by
which he has summoned the petitioner in exercise of powers
conferred under Section 204 of the Cr.P.C. to face trial for the
offences punishable under Sections 498A and 504 of the Indian Penal
Code as well as Sections 3 and 4 of the Dowry Prohibition Act (for



short 'the D.P.Act').

3. The sole ground for quashing of the impugned order dated 03.03.2016 passed in Complaint Case No.2703 of 2015 summoning the petitioner and others to face trial is that as no part of cause of occurrence had allegedly taken place within the territorial jurisdiction of the Chief Judicial Magistrate, Motihari, West Champaran, he had no jurisdiction to take cognizance of the offence.

4. I have perused the record.

5. It would be apparent from the statement of the witness Jai Rudra Prasad Gupta, father of the complainant recorded in course of enquiry that the marriage of his daughter with the petitioner had taken place on 22nd April, 2015 and her 'Bidai' took place on 23rd April, 2015. At the time of 'Bidai' the petitioner Shambhu Sah and his father told that if rupees one lac and a Hyundai car is not given, the girl will not be allowed to live in peace. The above statement of Jai Rudra Prasad Gupta clearly makes out an offence punishable under Section 4 of the D.P.Act. It would further be evident that there are allegations that the victim was thereafter subjected to cruelty in her matrimonial home. As part of the occurrence of the offence had taken place at Motihari, it cannot be said that simply because the victim was not subjected to cruelty at Motihari within the meaning of definition under Section 498A of the I.P.C. the prosecution of the petitioner at



Motihari would be bad in law.

6. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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