

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2560 of 2016

Arising Out of PS.Case No. -33 Year- 2014 Thana -MAHILA P.S. District- SITAMARHI

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1. Parikshit Jha
2. Rajendra Kumar Jha Both son of Late Gangadhar Jha
3. Sheela Devi wife of Parikshit Jha
4. Suryakala Devi wife of Late Gangadhar Jha, All resident of Manik Chouk, P.S.- Runnisaidpur, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Bhawani Devi, wife of Rajendra Kumar Jha, resident of village- Manik Chouk Dakshinbari Tola, P.s.- Runnisaidpur, District- Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

For the Opposite Party/s : Mr. R.P.S.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 24-09-2018 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

Petitioner is aggrieved by the order dated 04.07.2015 passed by learned S.D.J.M., Sadar, Sitamarhi in Sitamarhi Mahila P.S. Case No. 33 of 2014 whereby and whereunder all the petitioners have been summoned to face trial for an offence punishable under Section 498(A) of the Indian Penal Code as well as order dated 30.09.2015 passed by learned Sessions Judge, Sitamarhi in Criminal Revision No. 75 of 2015 whereby and whereunder the learned Sessions Judge had rejected the revision petition.

The learned counsel for the petitioners has submitted



that on trivial issue resulting on account of day-to-day affair, informant at an earlier occasion had filed a case under Section 498(A) of the I.P.C. and the same was compromised. Consequent thereof, during course of stay at her Sasural, petitioners would not be able to satisfy her and that being so, petitioners are being penalized by the O.P. No. 2/informant by way of institution of another round of litigation without any rhyme and reason, falsely inflicting the allegation in order to justify the written report. Apart from this, it has also been submitted that so far petitioner no. 2 is concerned, he happens to be husband while petitioner no. 1 is *Bhaisur*, petitioner no. 3 is the *Gotni* and petitioner no. 4 is the mother-in-law who did not carry specific allegation against themselves. Apart from the fact that they are separate in mess and business. In an alternative, it has also been submitted that police after concluding investigation found prima-facie case only against petitioner no. 4 mother-in-law exonerating petitioner nos. 1, 2 and 3 but, the learned lower court did not opt to accept the conclusion of the I.O. and for that, there happens to be no material available on the record to justify. That being so, successive orders are bad, illegal and are fit to be set aside.

On the other hand, the learned Additional Public Prosecutor opposes the prayer and submitted that learned lower court is quite competent to differ from the conclusion arrived at by



the I.O. and that being so, summoning petitioners no. 1, 2 and 3 apart from petitioner no. 4 who has been charge-sheeted is found in accordance with law. Furthermore, it has also been submitted that instant petition has been filed as a second revision petition under the garb of inherent jurisdiction of the High Court which ought not to be accepted as, the same is illegal, non-permissible in the eye of law.

Gone through the successive orders. From the revisional court order, it is apparent that learned Sessions Judge had taken pain to go through the case diary and had collected the materials visualizing therefrom justifying the order of cognizance finding involvement of these petitioners during course of commission of crime against the informant wherein, lastly informant was kicked out along with her minor children from her sasural.

Accordingly, instant petition sans merit and is accordingly dismissed.

(Aditya Kumar Trivedi, J)

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