

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.524 of 2015

Arising Out of PS. Case No.-1372 Year-2008 Thana- ROHTAS COMPLAINT CASE
District- Rohtas

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Singaro Devi, Wife of Samrendra Singh, and Daughter of Kedar Singh,
resident of village - Nauhatta, P.S. - Nauhatta, District - Rohtas. At present
resident of village - Khajuri, P.S. - Rohtas, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Samrendra Singh, Son of Ram Das Singh,
3. Ram Das Singh, Son of Late Aliyar Mahto,
4. Kaushalya Devi, Wife of Ram Das Singh, All resident of village -
Nauhatta,P.S. - Nauhatta, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar
For the Respondent/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-07-2018 The petitioner has challenged the order dated 01.05.2015 passed by the learned Sub-divisional Judicial Magistrate, Dehri in connection with Complaint Case No. 1372 of 2008 whereby the opposite parties have been discharged of the offences under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act under the provision of Section 245 of the Code of Criminal Procedure, ostensibly on the ground that in two years' time with 13 dates given by the trial court, no witness was examined on behalf of the complainant-petitioner.

The present petition is being heard in the



absence of opposite parties, as the opposite parties have refused to accept notice which was sent to them by order of this Court.

Learned counsel for the petitioner has submitted that the complaint initially was lodged by the petitioner on 22.10.2008, before the competent court at Sasaram and in the aforesaid case, summons were issued to the opposite parties only on 26.06.2009. The petitioner-complainant produced one witness at the pre-charge stage on 09.11.2011, but he could not be examined because the bail bonds of one of the accused persons was cancelled. The trial court records/case records were transferred from Sasaram to Dehri on 26.09.2012 and the records were received in the Dehri court only on 21.12.2012. After the records were transferred to Dehri court, there was a solitary appearance of an advocate on behalf of opposite parties before the concerned court on 19.12.12. Thereafter, the *Pairvi* on behalf of opposite parties was stopped.

Learned counsel for the petitioner has submitted that after the records were transferred to Dehri court, the petitioner-complainant was never informed nor noticed about the transfer of the records. It was for this reason that the witnesses could not be brought forth by the petitioner.



Regard being had to the facts stated above, this Court of the view that an opportunity ought to be granted to the complainant to pursue her case at Dehri.

For the aforesaid reason, the order dated 01.05.2015 is set aside.

The case is remitted to the court of the learned SDJM, Dehri for trying the case in accordance with law. Needless to state that opposite parties shall be noticed and in case of their non-appearance, all coercive processes shall be used for procuring their attendance.

With the aforesaid observation/direction, the present petition is allowed and disposed of.

(Ashutosh Kumar, J)

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