

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43481 of 2017

Arising Out of PS. Case No.-91 Year-2015 Thana- RUDRAPUR District- Madhubani

Vinay Jha son of Late Dinesh Jha, resident of Village- Mahrail, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date : 11-04-2018

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 14.06.2016, passed by the learned Additional Sessions Judge, 5th, Madhubani/ F.T.C. II, Madhubani in Sessions Trial No. 177 of 2016 arising out of Rudrapur P.S. Case No. 91 of 2015, whereby and whereunder charges have been framed against the petition under sections 201/34 of the Indian Penal Code as also the entire criminal proceeding of the aforesaid case.

Facts of the case, in short, is that on Subodh Narayan Jha submitted a written report before the SHO of Rudrapur police station alleging dowry death of his sister, which



was registered as Rudrapur P.S. Case No. 91 of 2015 (Annexure-1) against five accused persons for the offence under sections 304B, 201/34 of the Indian Penal Code. Police after investigation submitted charge-sheet (Annexure-2) on 25.01.2016 against the accused persons including the present petitioner under sections 304B, 201/34 I.P.C. Thereafter the case was committed to the Court of Sessions for trial. During trial, charge was framed by the order under challenge dated 14.06.2016 (Annexure-3).

Learned counsel for the petitioner submits that petitioner is not named in the first information report. However, police after investigation submitted charge sheet against all the accused persons including the present petitioner. Learned counsel submits that police has falsely alleged that the dead body was recovered on the confessional statement of this petitioner as it has been alleged that petitioner alongwith Thakai Jha, Gulab Jha and Sonu Kumar Jha came to the Darbaja of the father-in-law of the deceased from where the dead body of the deceased was taken and burried in the bank of Kamla river, but the police never took any steps to examine the aforesaid Thakai Jha, Gulab Jha and Sonu Kumar Jha or to arrest them in the case. On basis of the aforesaid statements, learned counsel



submits that the learned trial Court has erred in passing the order framing charge against the petitioner, and as such, the same is fit to be quashed.

Considering the facts and circumstances of the case, the materials available on record and the submissions advanced on behalf of the parties, in view of the fact that the order passed by the Court below wherein charges have been framed against the petitioner is a revisable order and petitioner has an alternative remedy of moving the revisional Court, this Court is not inclined to interfere in the matter under its extraordinary jurisdiction under section 482 of the Code of Criminal Procedure. The prayer for quashing the order of framing of charge as also the entire criminal proceeding is, therefore, rejected.

The application, accordingly, stands dismissed.

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	11.12.2017
Uploading Date	12.04.2018
Transmission Date	12.04.2018

