

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21932 of 2012

Arising Out of PS. Case No.-56 Year-2012 Thana- KARPI District- Jehanabad

Surendra Prasad Gupta, Son of Late Jawahar Saw, Resident of Turuk-Telpa,
P.S. Karpi (Banshi), District – Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amita Devi, Wife of Surendra Prasad @ Gupta, Daughter of Late Bhagwan
Saw, Resident of Professor Colony, D.V.C. Colony, P.S. - Chirkunla, Meithon,
District – Dhanbad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha
For the Opposite Party/s : Mr. B.K.Prasad (App)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 19-06-2018 Despite exhausting of all steps for appearance
of opposite party no. 2, she has chosen not to appear
before this Court.

The petitioner seeks quashing of the order
dated 04.05.2012 passed by the learned Sub-Divisional
Judicial Magistrate, Jehanabad whereby cognizance has
been taken under Section 498A of the Indian Penal Code
against the petitioner in connection with Karpi (Banshi
O.P.) P.S. Case No. 56 of 2012.

The main substance of the contention of the
petitioner is that for similar offence which was
committed for the same period, a case under Section
498A of the Indian Penal Code was lodged in Dhanbad
by opposite party no. 2 against the petitioner. In the



aforesaid case, the petitioner was convicted. However later, in appeal, the judgment of conviction was set aside. For the same period, this case was lodged with similar allegation against the petitioner by the opposite party no. 2.

Considering the aforesaid facts as also taking into account that the opposite party no. 2 has not been appearing in this matter to contest the case, the order of cognizance which has been impugned in the present petition is set aside.

The application stands allowed.

(Ashutosh Kumar, J)

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