

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.233 of 2019

Arising Out of PS. Case No.-91 Year-2015 Thana- CHAKIA District- East Champaran

1. GEETA DEVI @ GEETA SINGH, aged about 57 years, female by Gender, Wife of Sri Aurbind Singh @ Arvind Kumar Singh
2. Aurbind Singh @ Arvind Kumar Singh, aged about 60 years, Male by Gender, Son of Late Kamla Prasad Singh,
Both Residents of C-87, Chandralok Colony, Kapurthala, Police Station -Aliganj, District-Lucknow (Uttar Pradesh)
3. Abhinav Deep @ Avinav Deep, aged about 42 years, Male by Gender, Son of Sri Dinesh Prasad Singh,
4. Shalini Singh, aged about 36 years, Female by gender, Wife of Avinav Deep, Both Resident of Ratan Nagar, Karol Bagh, Police Station-Karol Bagh, District-New Delhi, New Delhi
5. Aparjeet Pandey @ Aparimit Pandey, aged about 32 years, Male by Gender, Son of Dr. Subodh Kumar Pandey,
6. Shifali Singh @ Shefali Pandey, aged about 33 years, Female by Gender, Wife of Sri Aparimit Pandey,
Both Resident of 496/114, Chhotachanganj, Nirala Nagar, Police Station-Daliganj, District-Lucknow, Uttar Pradesh
7. Rakesh Singh @ Rakesh Kumar Singh, aged about 40 years, Male by Gender, Son of Sri Vijay Singh, Resident of Marhaura, Police Station-Marhaura, District-Saran (Bihar)
8. Rajan Singh @ Ranjan Kumar Singh, aged about 35 years, Son of Sri Nagendra Singh, Resident of Village - Bansdih, Police Station- Garkha, District-Saran (Bihar)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Nalini Gautam, Wife of Sri Kunal Singh, Daughter of Sri Mukul Singh, Resident of Village-Sugar Mill Quarter, Madhuban Road, P.S.-Chakia, District-East Champaran (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Saket Gupta



For the Respondent/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 26-03-2019

Heard parties.

This criminal revision application has been filed for setting aside the order dated 31.03.2019 passed in Trial No.2146 of 2018 arising out of Chakia Police Station Case No.91 of 2015 by which learned Additional Chief Judicial Magistrate, XIII, East Champaran has issued bailable warrant against petitioners without receiving the report of the earlier process.

Prosecution case in brief is that on 01.12.2014, marriage was solemnized between Nalini Gautam (Opposite Party No.2) and Kunal Singh (accused) as per Hindu rites and rituals. It is alleged by opposite party no.2 (informant) that after marriage, she was harassed and tortured for non-fulfillment of demand of dowry and on such written complaint, Chakia P.S. Case No.91 of 2015 was registered against petitioners and other under Sections 498A, 307 read with 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. After investigation police submitted charge-sheet against petitioners and another.

Cognizance against petitioners for offences



punishable under Sections 498A, 307 read with 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act was taken by order dated 27.01.2018 and summons were issued against petitioners for their appearance.

It has been submitted that without waiting for service report, the trial court issued bailable warrant against them, although no summons were ever served upon them as no service report was submitted in the court below. It has further been submitted that all accused petitioners although belong to same family but they reside at different places and the court below has presumed that since there is appearance on part of the Kunal Singh (accused) as such all other accused petitioners were also aware of order taking cognizance and issuance of summons and their appearance on date of trial by the trial court and, thereafter, issued bailable warrant against them.

In the facts and circumstances of the present case, as only the trial court has issued summons and, thereafter, bailable warrant against petitioners were issued for their appearance before the trial court, the petitioners are directed to appear before the court below on the date as fixed by the trial court and trial court will proceed further in the matter in accordance with law.



With such observations and directions, this
criminal revision petition stands disposed of.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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