

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.378 of 2019

Arising Out of PS. Case No.-132 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

MONI KUMARI @ MONIKA KUMARI D/o Suresh Singh Resident of
Village - Guriyawan P.S.- Bodh Gaya, distt.- Gaya. , Presently Resides at
Village Umta, P.S.- Makhdumpur, Distt.- Jehanabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Ramanuj Sharma Son of Late Radha Mohan Sharma Resident of Village -
Umta, P.S.- Makhdumpur, Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Paras Nath
For the Respondent/s	:	Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 03-04-2019

Heard the parties.

2. This criminal revision petition has been filed for setting aside the order dated 05.02.2019 passed in Session Trial No. 340/18/44/19 arising out of Makhdumpur P.S. Case No. 132 of 2018 passed by learned Additional Sessions Judge-5th, Jehanabad by which he has rejected petition dated 30.11.2018 filed under Section 227 of Cr.P.C. and has framed the charges against petitioner.

3. Prosecution case is that son of informant was married to the petitioner in the year 2015 and after some time of marriage petitioner started threatening her husband that he will



be killed and informant suspected extra-marital affair of her daughter in law but kept mum due to social prestige. On 01.05.2018 he along with his wife had gone to attend the reception of son of cousin brother in which his deceased son and his wife (petitioner) were also invited but neither she went to attend the reception nor permitted his deceased son to go there and in the night his son was brutally murdered in a conspiracy hatched by the petitioner and on such allegation written complaint was filed giving rise to Makhdumpur P.S. Case No. 132 of 2018 in which petitioner and his 3-4 unknown associates have been made accused.

4. After investigation police submitted charge sheet against the petitioner under Sections 302, 120b, 34 IPC and cognizance was taken against the petitioner under Sections 302, 120B, 34 of IPC.

5. Petitioner filed a petition dated 30.11.2018 under Section 227 of Cr.P.C. to discharge her on the ground that there is no evidence collected during investigation against petitioner and prosecution case is based upon the confessional statement of petitioner and except her own confessional statement there is no any other incriminating material against the petitioner, as such she should be discharged. It has been further submitted that



petitioner has been implicated in this case on mere suspicion and the statement recorded of witnesses her hearsay and deceased died of his heart failure and he was not killed. The relations between husband and wife were cordial and no bitterness was found in the marital relation from 2015 to 2018. In reply to the discharge petition it was contended on behalf of State that after completing the investigation the police has found sufficient evidence against petitioner and submitted charge sheet against her and other co-accused. There are sufficient materials collected during investigation for framing charge against the petitioner. Petitioner has confessed her guilt that she committed murder of deceased with his associates co-accused Prince and Chhotu by strangulation which is also supported by the postmortem report in which cause of death is strangulation.

6. After hearing the parties and considering the materials available on record collected during investigation the trial court has found that there are sufficient materials against the petitioner and prima facie case is made out against her and the accusation cannot be said to be groundless and dismissed the petition of petitioner under Section 227 of Cr.P.C. and posted the matter for framing of charge.

7. After going through the order passed by the trial



court, this Court does not find any error in the order of trial court requiring any interference in its revisional jurisdiction, accordingly the criminal revision petition is dismissed.

(S. Kumar, J)

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Uploading Date	
Transmission Date	

