

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34164 of 2016**

Arising Out of PS. Case No.-159 Year-2013 Thana- MADHUBANI TOWN District-
Madhubani

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PRAMILA DEVI @ PRAVILA DEVI @ PARMILA DEVI wife of Late Raj
Nandan Sharma resident of Village - Haweli, P.S. - Biharsharif, District -
Nalanda.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Radha Devi wife of Bipin Kumar wife of Haweli P.S. - Biharsharif, District -
Nalanda at present Daughter of Ganesh Jha resident of Mohalla - Ganga
Sagar Chauk Ward No. 18, P.S. - Madhubani, District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Sinha, Adv
For Opp. Party No.2	:	Mr. Sanjay Kumar Mishra, Adv.
For the State	:	Mr.Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 05-12-2019**

Heard the parties.

2. The petitioner has challenged in this application
under Section 482 Cr.P.C. the refusal of order of discharge dated
30.05.2016 passed in G.R.Case No.1215 of 2013 corresponding to
Madhubani Town P.S.Case No.159 of 2013 for offence under
Sections 498A I.P.C. and 3/4 Dowry Prohibition Act.

3. The impugned order reveals that the learned Trial
Judge has relied on the statement of witnesses before the police in
paragraph-6,7,9,8,16 and 17 of the case diary. I have also perused
the statement of the witnesses, who have specifically named this



petitioner also, who had demanded dowry from the informant as well as her parents.

4. Learned counsel for the petitioner submits that a complaint case was filed in the court at Madhubani vide Complaint Case No.616 of 2016 containing identical allegation against the petitioner and others.

5. A copy of the complaint petition at Annexure-5 to the supplementary affidavit. The perusal of the complaint petition reveals that the different date of occurrence and accrual of cause of action is mentioned therein the offence under Section 498A I.P.C. is a continuing offence. Therefore, on that reason only, the impugned order cannot be interfered with. The trial of both cases may go before the same court in pursuance of order passed by a competent court.

6. Since there is sufficient material to proceed against the petitioner, I am not inclined to interfere in the impugned order. Accordingly, this application is dismissed as devoid of any merit.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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