

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.15 of 2018

Arising Out of PS. Case No.-231 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

Pratibha Kumari W/O Ranjan Kumar, d/o Mahendra Prasad, Resident of
village Niyamatpur, Harnaut, P.S. Harnaut, District Nalanda.

... .. Petitioner/s

Versus

- 1.The State Of Bihar.
- 2.Ranjan Kumar son of Dinesh Prasad.
3. Dinesh Prasad, son of late Tuklal Mahto.
- 4.Urmila Devi, wife of Dinesh Prasad.
- 5.Pawan Kumar, son of Dinesh Prasad.
6. Gita Devi wife of Pawan Kumar.

Opposite Party no. 2 to 6 are resident of Village-Veer, P.S. Dhanaura, District
Patna, at present Bajrangpuri, P.S. Alamganj, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satya Ranjan Sinha
For the Respondent/s	:	Mr.Smt. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 15-01-2019

Heard parties.

This criminal revision application is directed against
the order dated 12.04.2017 passed in Complaint Case No. 2316
of 2017 passed by ACJM-V, Nalanda, by which the learned
court below has refused to take cognizance against Opposite
Party Nos. 4, 5 and 6 and has taken cognizance against Opposite
Party Nos. 2 and 3 only, under Section 498A of IPC and has not
taken cognizance under Sections 341, 323, 504, 506, 406/34 of
the Indian penal code.

Petitioner has filed a complaint case against all



opposite parties on 03.03.2017 arraying them as accused under Sections 341, 323, 504, 506, 498A, 406 read with 34 of IPC in which complainant-petitioner *inter alia* stated that she was married to Opposite Party no. 2 Ranjan Kumar, and at the time of marriage cash, ornaments and clothes were given and she went to her matrimonial home. After 15 days of marriage, the opposite parties started abusing, assaulting and torturing complainant-petitioner for giving Rs. 2 Lacs less in dowry and was ousted from her matrimonial home and all gifts and presents were kept by them.

Complainant-petitioner was examined by the court on S.A and in support of her case three enquiry witnesses were examined. However, learned court below took cognizance of the offence against opposite party nos. 2 and 3 under Section 498A of IPC and refused to take cognizance against remaining opposite parties on the basis of materials available before the trial court, as no *prima facie* case could be made out against them.

It has been submitted on behalf of the petitioner that the court below committed error by not taking cognizance against opposite party nos. 4 to 6 and under different sections of IPC as from the complaint petition, S.A of complainant and



statement of enquiry witnesses there were sufficient materials before the court below, making out a *prima facie* case against opposite party nos. 4 to 6 and offences under different sections of IPC.

After going through the complaint petition, statement made by complainant on S.A. and enquiry witnesses, this Court does not find any error or irregularity in the order dated 12.04.2017 passed in Complaint Case No. 2316 of 2017 by ACJM-V, Nalanda. The trial court is empowered to alter, modify or add charge at any stage of trial. The criminal revision petition is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.01.2019
Transmission Date	22.01.2019

