

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44949 of 2014

Arising Out of PS. Case No.-1107 Year-2012 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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Bhaiyelal Sada Son of Bablu Sada, Resident of Village- Mahthaur, Post Putai,
P.S. Manigachhi, District- Darbhanga

... .. Petitioner/s

Versus

1. State of Bihar.
2. Laldai Devi @ Chhanma Devi, wife of Bhaiyelal Sada, Daughter of Nilam Sada, presently residing at Village- Ser-bijulia, P.S. Baheri, District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Mr. Amarendra Narayan, Advocate
For the State	:	Mr. S.Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-01-2019

Heard learned counsel for the petitioner and learned A.P.P. for the State. Despite service of notice on opposite party no. 2, nobody appeared on her behalf when the matter was taken up and heard.

2. The petitioner has moved the Court under Section 482 of the Code of Criminal Procedure, 1973 for the following relief:



“ That this application has been preferred for quashing order dated 09.11.12 passed by learned SDJM Darbhanga, in CR 1107/12; TR 3877/12 (Laldai Devi vs Bhaiyelal Sada), whereby and where under the learned court has taken Cognizance of offences under section 494 of IPC, ordered for issuances of process against this petitioner. The petitioner also seeks quashing of the connected order dt. 6.6.14 passed by learned Additional Sessions Judge-4 Darbhanga passed in Crim. Rev. no. 510/12 (Lal Dai Devi @ Chhanma Devi vs State of Bihar & Ors.), whereby directing the learned SDJM Darbhanga to take Cognizance U/S 498 A of Indian Penal Code and 3/4 of Dowry Prohibition Act also in above Cr 1107/12; TR 3877/12 (Laldai Devi vs Bhaiyelal Sadar). ”

3. After some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the application with liberty to file an application for discharge before the Court concerned. He submitted that this Court may protect the petitioner from any prejudice which may be caused since a superior Court has altered the cognizance order and, thus, it may be difficult for the subordinate Court to consider the plea for discharge with an open mind.

4. Accordingly, as prayed for, the application stands disposed off as withdrawn with liberty aforesaid.

5. If an application is filed by the petitioner before the trial Court, the same shall be considered and disposed off on its own merits, in accordance with law, without being prejudiced



either by the fact that the superior Court has altered the cognizance order as well as the withdrawal of the present case.

(Ahsanuddin Amanullah, J)

P. Kumar

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