

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52183 of 2018

Arising Out of PS. Case No.- Year- Thana- District-

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Shambhu Pandit son of Deo Narayan Pandit, resident of Village- Punesra, P.S.
Jairampur, District Sheikhpura.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Baby Devi, W/o Shambhu Pandit, resident of Village- Punesra, P.S.
Jairampur, District Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 17-01-2019 Heard learned counsel for the petitioner as well as

learned APP.

Learned counsel for the petitioner has submitted that

O.P. No.2 happens to be a lady of questionable character and

that being so, she has been deserted by the petitioner. In the

aforesaid background, she, in order to malign the family

prestige as well as in order to coerce the petitioner and his

family members to twist according to her will and wish got this

three cases filed at due interval. It has also been submitted that

no offence under Section 498A of the IPC is made out. It has

also been submitted that petitioner has come up for getting

justice.

The learned Additional Public Prosecutor opposed the



same.

Article 20(2) of the Constitution of India as well as Section 300 Cr.P.C. prohibit double jeopardy, that means to say, subsequent prosecution for the same offence. Right from T.T. Antony Case reported in (2001) 6 SCC 181 and on ward, it has been settled at rest that prohibition is prescribed for the same occurrence against the same accused. Here, the date of occurrence has been alleged independent to each other, after having gap of so many years and the accused persons are also different. That being so, it could not fall within the parameter of double jeopardy and that being so, the prayer is found devoid of merit, consequent thereupon, instant petition lacks merit and is accordingly, dismissed. However, petitioner will be at liberty to challenge independently the order of cognizance, if he so desires.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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