

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.13231 of 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.4 to quash the docket order, dated 19.10.2018, passed in CrI.M.P.No.154 of 2018 in S.C.No.95 of 2016 on the file of the V Additional Sessions Judge at Jangoan, whereby, the petition filed by the petitioners/A.1 to A.4 under Section 216(1) of Cr.P.C., to alter the charges framed against them by deleting the charge under Section 304B of IPC, was dismissed.

2. Heard the learned counsel for the petitioners/A.1 to A.4, the learned Additional Public Prosecutor representing the 1st respondent-State and perused the record.

3. It has been contended that the trial Court framed charges against the petitioners/A.1 to A.4 for the offences punishable under Sections 302 and 304B of IPC in the subject Sessions Case. These two charges cannot go together. As per the record and the material placed on record, the subject death of the deceased was in unnatural circumstances, within seven years from the date of marriage. There are also allegations of subjecting the deceased to dowry demand soon before her death. Under these circumstances, it cannot be said that framing of charge under Section 304B of IPC is improbable. As per the records placed before this Court, there are also allegations against the petitioners/A.1 to A.4 constituting

offences punishable under Section 302 of IPC. The Court has power to frame charges alternatively. Under these circumstances, framing of charges by the Court below cannot be faulted. The Criminal Petition is devoid of merit and is liable to be dismissed.

4. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

13th March, 2019
Bvv

Dr. SHAMEEM AKTHER, J

