

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54773 of 2021**

Arising Out of PS. Case No.-581 Year-2018 Thana- BHABHU(KAIMUR) COMPLAIN C  
District- Kaimur (Bhabua)

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1. Gopal Narayan Pandey, Son of Late Ganganath Pandey.
  2. Madhuri Devi wife of Sri Gopal Narayan Pandey.  
Both Resident of House No. C-2740, Jagatganj, P.S. - Chetganj, Varanasi (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Aparna Pandey Daughter of Late Gupteshwar Nath Pandey Resident of village- Janardanpur, P.S. - Durgawati, District - kaimur at Bhabua (Bihar).

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Kumar, Adv.  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      27-04-2022                      Heard learned counsel for the parties.

2. The petitioners have challenged the order dated 08.02.2021 passed in Criminal Revision No.171 of 2021 by the learned Sessions Judge, Kaimur at Bhabhua as also the order dated 22.11.2018 passed by the learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabhua in Complaint Case No.581 of 2018 whereby and whereunder cognizance of the offences under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act was taken against the accused persons.

3. The prosecution story is that, one Aparna Pandey filed a complaint before the learned Chief Judicial Magistrate,



Kaimur at Bhabhua vide Complaint Case No.581 of 2018 on 18.05.2018 stating that she was married to accused Abhishek Pandey on 7<sup>th</sup> of May, 2017 and at that time a Maruti Car was demanded in dowry but with the intervention of the relatives the complainant went to her '*Sasural*'. However, her husband remained detached to her and on asking reason about the non-consummation of marriage, her husband informed that he is impotent. The brother of the complainant thereafter paid a sum of Rs.50,000/- to meet expenses that was needed for his medical treatment, but her husband wanted seven lac in cash and also goods costing rupees three lacs. It is further alleged that on 25.04.2018, she was ousted from the house and was forced to board a bus towards her mother's home.

4. The learned Magistrate after recording her statement as also the witnesses took cognizance under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. This prompted the petitioners herein to prefer revision application before the learned Sessions Judge, Kaimur at Bhabhua stating that no case of offences alleged is made out and it has been filed only to harass them.

5. The learned Sessions Judge after recording the arguments of the learned APP that at that point of time, the



learned Magistrate was only to examine the materials on record to see whether a prima-facie offences alleged is made out or not and the learned APP further submitted that in case in hand the complaint supports the statements of the complainant recorded on solemnization affirmation as also the witnesses examined during the inquiry reveal that the allegation of demand of dowry and allegation to torture is specific and categorical against both the revisionists as also the other accused persons.

6. The learned Sessions Judge thereafter held that the learned Magistrate has committed no error in summoning the revisionists/the petitioners herein and as such he further held that the order impugned does not suffer from any illegality and the present petition is fit to be dismissed.

7. The learned Sessions Judge further recorded the submissions of the learned APP that the order summoning the accused is interlocutory in nature so no revision against such an order lies as also the revision petition is hopelessly time barred as there is delay of more than seven months in filing it. The learned APP further stated that the delay in filing the revision is frivolous in nature and the revision is fit to be dismissed.

8. The learned Sessions Judge, thereafter, vide after giving the aforesaid reasonings held that the submissions



advanced by the learned APP finds force in the case. The learned Magistrate has rightly taken cognizance in the matter against the accused persons including the revisionists/ the petitioner herein and accordingly the revision petition was as such dismissed by him.

9. This Court has gone through the complaint, the order taking cognizance by the learned court below as also the reasoned order passed by the learned Sessions Judge and finds no infirmity in the said order.

10. The revision application preferred by the petitioners herein before the learned court below have rightly been dismissed by the learned Sessions Judge.

11. This application under Section 482 of the Cr.P.C. is without any merit and is accordingly dismissed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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