

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40532 of 2015

Arising Out of PS. Case No.-301 Year-2007 Thana- DEHRI TOWN District- Rohtas

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1. Raj Kumar Prasad Jaiswal and Anr. S/o Late Baldeo Prasad,
 2. Sunil KUMar @ Chhunnu , S/o Raj Kumar Prasad Jaiswal, Both residents of Shahpur, P.S. - Chainpur, District- Palamu Jharkhand.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Lalan Prasad Jaiswal, S/o Late Sakhichand Prasad, Resident of Kalisthan, Dhantolia, P.S. - Dehri Town, District - Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Senior Advocate
		Mr. Bhashkar Shankar, Advocate
For the Opposite Party/s :		Mr.D.P.Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-02-2023 Heard the parties.

The present petition has been preferred for quashing of the order dated 06.07.2015 passed by learned Court of Additional Sessions Judge-VIIth, Sasaram at Rohtas in S.Tr. No. 399 of 2010 arising out of Dehri (Town) P.S. Case No. 301 of 2007 whereby and whereunder the learned court below dismissed the application on the point of jurisdiction.

As per the prosecution story, the complainant alleged that his daughter, Sweta Jaiswal was married with the petitioner no. 2, Sunil Kumar @ Chhunnu on 25.02.2001 but was always subjected to cruelty.



After she gave birth to a female child, she was ousted from the house. A '*panchayati*' was held and she was taken in her in-laws house but again she was thrown out. Once again, she went to her in-laws house on 02.08.2007, when it is alleged that after sprinkling kerosene oil, she was put on fire resulting into her death after long battle with the burned injury on 10.08.2007. Accordingly, the FIR was lodged under Section 304(B) and 34 of the Indian Penal Code. The petitioners filed discharge petition which came to be dismissed on 25.04.2015.

The date of framing of charge was fixed on 22.05.2015 when the petitioner filed a petition under Section 177 Cr.P.C on the point of jurisdiction.

The matter was taken up by the learned Additional Session Judge, Rohtas at Sasaram and vide a reasoned order dated 06.07.2015, the same was rejected after holding that the case is under Section 304 (B) of the Indian Penal Code and as such, there is no hindrance in continuing with the trial in the Sasaram Court as the matter could have been taken at both the places. This was observed on the ground that although the lady succumbed to the burn injury in Jamshedpur, the mortal remains were brought to her village, Shahpur under Chainpur Police Station as such, the trial could be taken up at any of the place.



This Court has gone through the facts of the case as also the reasoned order passed by the learned Additional Sessions Judge-VIIth, Rohtas at Sasaram and do not find any point to interfere with the matter.

The same is accordingly dismissed with liberty to the petitioner to raise all the points available to him before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

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