

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42194 of 2015

Arising Out of PS. Case No.-230 Year-2009 Thana- AKBARPUR District- Nawada

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1. Savitri Devi Wife of Sri Sudama Prasad Singh
 2. Sudama Singh @ Sudama Prasad Singh, Son of Late Kamleshwari Singh resident of Mohalla - Paanchu (Rajgir Road) Hisua, P.S. Hisua, District - Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vijay Singh, S/o Late Govind Singh, , R/o- village -Puchgawan, P.S. Akbarpur, District- Nawada,

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar, Advocate
		Mr. Rajeev Nayan, Advocate
For the State	:	Mr. Ram Chandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 22-10-2024 The instant criminal miscellaneous petition has been filed to set aside the impugned order dated 14.07.2015 passed in connection with Tr. No. 1095 of 2015, arising out of Akbarpur P.S. Case No. 230 of 2009 by learned Sub-Divisional Judicial Magistrate, Nawada by which the prayer of the petitioners made under Section 239 of Code of Criminal Procedure (in short 'Cr. P. C.') for discharging them from the liabilities of the offences under sections 341, 323, 498A of the Indian Penal Code (in short 'IPC') and Section 3/4 of Dowry Prohibition Act has been rejected by the learned trial court.

2. Mr. Bhavesh Kumar, learned counsel appearing for



the petitioners submits that the petitioner no.1 is mother-in-law of the daughter (so-called victim) of the informant (O.P. No.2) and she is a handicapped old lady and petitioner no.2 is the father-in-law of O.P. No.2's daughter. The FIR was registered by the father of the daughter-in-law of the petitioners and the main allegation as to torturing the daughter of the informant for the demand of Bolero vehicle is against the son of the petitioners. Though, the petitioners have been named in the FIR but any specific role of them in committing the alleged cruelty with the informant's daughter has not been revealed and allegations concerned to them are general and omnibus. Learned counsel further submits that the petitioner no.1 is unable to discharge her daily routine work on account of her disability of 50 % to her body and petitioner no. 2 was a government employee and after his retirement, he and his wife (petitioner no.1) started living separately from their son and they had nothing to do with the household affairs of the husband of the informant's daughter. It is further submitted that the charges were framed upon the petitioners in the year 2019 but thereafter, no prosecution witness has been produced and the informant as well as his daughter have left their interest in the case of the petitioners who are suffering a lot of harassment on account of



lingering attitude of the prosecution and the same is sufficient to prove the intention of the informant to harass the petitioners.

3. No one appears on behalf of O.P. No.2.

4. Mr. Ram Chandra Sahni, learned APP appearing for the State submits that there is sufficient *prima facie* material to attract the alleged offences of which cognizance has been taken by the learned trial court.

5. Heard both the sides and perused the relevant materials. Both the petitioners are in-laws of the informant's daughter and in the FIR there is no specific allegation against them and any overt act of them in the commission of the alleged offences has not been revealed and the main allegation as to torturing the informant's daughter for the demand of a Bolero vehicle is against the son of the petitioners. As per above submission the informant as well as his daughter who is said to be the victim is not taking any interest in the trial of the petitioners as no prosecution witness has turned up despite the charges having been framed upon the petitioners in the year 2019 and both the petitioners are old persons and the petitioner no. 1 is said to be a handicapped lady. Considering these facts, this Court is of the opinion that if the trial of the petitioners is permitted to remain continue in force, it will be completely



harassment to the petitioners and the same will not serve the ends of justice in view of the nature of allegations appearing against the petitioners. Accordingly, I find force in the prayer made by the petitioners. As such, the order impugned dated 14.07.2015 is hereby set aside and the petitioners are discharged from the alleged offences and they are exonerated from their criminal liabilities arising out of Akbarpur P. S. Case No. 230 of 2009.

6. In the result, the instant Criminal Miscellaneous petition stands allowed.

(Shailendra Singh, J)

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