

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51525 of 2018

Arising Out of PS. Case No.-253 Year-2011 Thana- SHASTRINAGAR District- Patna

Prabhash Kumar S/o Shri Someshwar Lal resident of Village- Kahua, P.S. Bahera Benipur in the District of Darbhanga at Present resident of Flat No. 613 B Lotus Apartment, Road No. 1 F, New Patliputra Colony, P.S.- Patliputra, in the District of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anupama Kumari, D/o Shri Binod Kumar Karn, resident of House No. 12, Road No.- 10, East Patel Nagar, P.S.- Shastri Nagar, in the District of Patna presently residing at Flat No. 102, Kailash Enclave, Professor Colony, P.S. Shastri Nagar, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhash Kumar
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 24-07-2024 The petitioner is the accused in connection with Shastri Nagar P.S. Case No.253 of 2011 dated 07.08.2011 registered under Sections 341, 323, 498A/34 of the I.P.C. and Section 3/4 of Dowry Prohibition Act, on the basis of an F.I.R. filed by one Anupama Kumari, the wife of the present petitioner.

2. It is contended on behalf of the petitioner that though, the F.I.R. was filed against the petitioner on 07.08.2011, a General Diary was recorded being SDE No.658/2011 on 20.07.2011 involving matrimonial dispute between the informant and the petitioner. The information recorded in the Diary Entry No.658 dated 20.07.2011 involves certain verbal



communication between the parties over mobile phone. The said information was collected by the S.H.O. sending a letter to the Nodal Officer, Airtel Infocom Ltd. on the same date. After recording the alleged incident in the diary, the FIR was lodged on 07.08.2011.

3. Be that as it may, the case is at present under Trial. The informant is being cross examined by the petitioner, who is conducting his case in person. However, the petitioner was not allowed to cross examined on the investigation report, which was received by the police authority in pursuance to Station Diary Entry No.658/2011.

4. It is alleged by the petitioner that not only he was denied by the learned Magistrate to ask the relevant questions in cross examination but cost was imposed against him. By passing different orders, the petitioner was directed to pay Rs.10,000/-, subsequently, for non payment of the cost, his anticipatory bail was rejected by the learned Magistrate. He was taken into custody, he was detained for six days and thereafter, he was released by regular bail.

5. The petitioner has challenged orders passed by the learned Magistrate on imposition of cost upon him. He has not pray for quashing of the criminal proceeding.



6. In my considered opinion, the impugned orders are revisable under the provisions of Section 397 read with section 401 of the I.P.C. Therefore, I do not find any merit in the instant application under Section 482 of the Cr.P.C. The Misc. case is therefore, rejected.

7. However, the petitioner is at liberty to file appropriate application before this Court seeking remedy and in such case, the period during which he pursued the present application under Section 482 of the Cr.P.C. with due diligence shall be condoned under the appropriate provision of the Limitation Act.

8. With the above order, the instant Criminal Misc. Case is dismissed.

(Bibek Chaudhuri, J)

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