
(2012) 09 JH CK 0177

In the Jharkhand High Court

Case No : Criminal Revision No. 1030 of 2003

Binod Trivedi and Others

APPELLANT

Vs

The State of Jharkhand and Another

RESPONDENT

Date of Decision : 05-09-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 498A

Citation : (2012) 09 JH CK 0177

Hon'ble Judges : Harish Chandra Mishra, J

Bench : Single Bench

Advocate : Manoj Kumar, for the Appellant; Sunil Kumar Dubey, Assistant Public Prosecutor for the State and Mr. Dhananjay Kumar Dubey, Advocate for the Informant, for the Respondent

Final Decision : Dismissed

Judgement

H.C. Mishra

1. Heard the Learned Counsel for the petitioners and the Learned Counsel for the State, as also Learned Counsel for the informant opposite party No. 2. The petitioners are aggrieved by the order dated 23.8.2003 passed by the learned S.D.J.M., Dumka, in T.R No. 1100 of 2003, whereby, the application filed for discharge by the petitioners has been rejected by the Court below.

2. The petitioners have been made accused in Dumka (Sadar) P.S Case No. 143 of 2002 corresponding to G.R No. 769 of 2002 for the offence u/s 498A of the I.P.C., wherein there is allegation against the petitioners, who are the husband and the in-laws of the victim informant, to have subjected her to cruelty and torture for the demand of dowry.

3. It appears that upon investigation, the police submitted charge-sheet in this case and the cognizance was also taken against the petitioners. Subsequently, the petitioners filed an application for discharge in the Court below and the Court below after coming to the conclusion that on the basis of the record, the offence

is made out against the petitioners and there is sufficient material to frame charge, rejected the application by the impugned order dated 23.8.2003, asking the petitioners to appear in the Court for framing of charge.

4. Learned Counsel for the petitioners has submitted that the impugned order passed by the Court below is absolutely illegal, inasmuch as it is the informant who is adamant not to lead the conjugal life with her husband and the petitioners have been falsely implicated in this case. Learned Counsel accordingly, submitted that the impugned order cannot be sustained in the eyes of law.

5. Learned Counsel for the State as also Learned Counsel for the informant opposite party No. 2, on the other hand, have objected the prayer and submitted that there is no illegality and/or irregularity in the impugned order, worth interference in the revisional jurisdiction, as on the basis of the allegations against the petitioners, which have been found true upon investigation by the police, the offence is clearly made out against them.

6. Upon hearing the Learned Counsels for both sides and upon going through the record, I find that there is specific allegation against the petitioners to have subjected the victim lady to cruelty and torture for the demand of dowry and no conclusion can be arrived at this stage as to the correctness or otherwise of the allegations, which can be seen only in the course of trial. The Court below has also found that there are sufficient materials for framing of charge against the petitioners. In the facts of this case, I do not find any illegality and/or irregularity in the impugned order, worth interference in the revisional jurisdiction. There is no merit in this application which is, accordingly, dismissed. Let the Lower Court Record be sent back forthwith.