
(2004) 05 JH CK 0081

In the Jharkhand High Court

Case No : Criminal Rev. No. 478 of 2003

Chandra Shekhar Singh and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 06-05-2004

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 227
Penal Code, 1860 (IPC) — Section 304B, 34

Citation : (2004) 2 DMC 290

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : K.K. Singh, for the Appellant; Ananda Sen and P.K. Sengupta, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This application has been preferred by the petitioner against the order dated 11th March, 2003, passed by learned A.D.J., Chatra in S.T. No. 246 of 1994, whereby and whereunder charges under Sections 304B and 34, I.P.C. have been framed against the petitioners.

2. The grievance of the petitioner is that the charges have been framed by the Court below without considering the materials on record and without application of mind.

3. Counsel for the petitioner submitted that deceased admittedly committed suicide. It is further submitted that in Paragraph No. 19 of the case diary it has come that the suicidal note has been left by the deceased. From that part of the case diary and other materials, available on record, no charge can be framed for the offence under Sections 304B and 34 of IPC.

4. Counsel appearing on behalf of opposite party No. 2 informant, submitted that the marriage took place on 25th May, 1989. Thereafter several demands were made and deceased was also tortured by her-in-laws. In the case diary, it has

been recorded that because of torture and demand of dowry by her in-laws, the deceased committed suicide.

5. Admittedly, petitioners did not choose to file any application u/s 227, Cr.P.C. for their discharge. As per Section 227 of the Code of Criminal Procedure, at the time of framing of charge the Court below is supposed to take into consideration the materials available on record and then to form opinion whether there is ground for presuming that the accused has committed an offence or not.

6. In the instant case, taking into consideration the case diary, learned Court below formed opinion to frame charge against the petitioners. However, in absence of any objection or petition for discharge, no irregularity can be said to have been committed by the Court below for interference with the order in question.

7. The revision application is accordingly dismissed.