
(2013) 05 JH CK 0065
In the Jharkhand High Court
Case No : Criminal M.P. No. 296 of 2013

Nazir Ansari and Others

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 07-05-2013

Acts Referred:

Income Tax Act, 1922 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498A

Citation : (2013) 2 AJR 850

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : D.K. Chakraverty, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Ranjan Prasad, J.—Mr. Chakraverty, learned counsel appearing for the petitioners submits that a case was registered against these petitioners for an offence u/s 498A of the Indian Penal Code. The police, after investigating the case, did not find any culpability on the part of these petitioners and, hence, submitted final form whereby these petitioners were exonerated from the accusation. In spite of that the Court has taken cognizance of the offence punishable u/s 498A of the Indian Penal Code though there was absolutely no material showing complicity of these petitioners in any manner in the alleged offence and, thereby, the Court did commit illegality in taking cognizance of the offence. Learned counsel further submits that though some of the family members have stated about the commission of the offence by these petitioners but that statements get falsified from the statements made by the independent witnesses where they have stated that these petitioners were living separately from the husband of the complainant. As against this, learned counsel appearing for O.P. No. 2 submits that in spite of ample materials being collected by the Investigating Officer showing involvement of these petitioners in the alleged offence, he has submitted final form exonerating the petitioners from the

accusation and, therefore,, the Court has taken cognizance of the offence when the Court did find the statements of the witnesses particularly the family members stating therein about the overt acts being committed by these petitioners.

2. Under the circumstances as stated above, the order taking cognizance never warrants to be quashed. However, the petitioners would be at liberty to raise all the points, which have been raised in this application, at an appropriate stage. With these observation, this application stands disposed of.