

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 992 of 2002

- =====
1. Kaushalya Devi W/O Gurusharan Ram.
 2. Rama Devi @ Rambha Devi D/O Gurusharan Ram both resident of village-
Kaithi, P.S. Kharagpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 23-07-2012

**Ahsanuddin
Amanullah, J.**

Heard Mr. Pranav Kumar, Learned A.P.P. for
the State. The case was taken up in the first half but on the
prayer of the learned counsel appearing for the petitioners
was fixed for the second half. However, he has failed to assist
this Court and in his absence only the learned A.P.P. for the
State has assisted this Court.

The present revision application is directed
against the order dated 22.07.2002 passed in Sessions Case
No. 270 of 2001/45 of 2001 by the VIIth Additional Sessions
Judge, Munger by which the petition under Section 227 of the
Code of Criminal Procedure, 1973 (hereinafter referred to as
the 'Code') filed by the petitioner has been rejected.

Earlier the case was admitted for hearing and
lower Court records called for. The same have since been
received. Initially the case was filed against five named



persons including the petitioners. Upon investigation initially the police submitted chargesheet only against the other three co-accused and not against the petitioners. Later on supplementary chargesheet was submitted against the petitioners also on the basis of further investigation. The other three co-accused had thus moved a petition under Section 227 of the Code. By order dated 06.06.2000 the same had been allowed and they were discharged. This Court while hearing the present case on 26.02.2004 had issued notice to the other three co-accused as to why in exercise of suo motu revisional power the order dated 06.06.2000 be not set aside. Thus, a separate case was registered being Criminal Revision No. 300 of 2004 in which this Court has passed orders today, i.e., 23.07.2012, quashing the order dated 06.06.2000 passed by the VIIth Additional Sessions Judge, Munger in Sessions Case No. 270 of 2001/45 of 2001 corresponding to Sessions Case No. 838 of 1999/13 of 2000.

In the said case, this Court has gone through the evidence as recorded in the case diary and has come to the conclusion that there was sufficient material for proceeding with the trial and discharging the accused at that stage was not proper. Thus, for the same reasons as recorded in Criminal Revision No. 300 of 2004 in the order passed today in the case, as far as petitioner no. 1 who is mother-in-law of the deceased and was residing in the same house this

revision application stands dismissed. The order impugned dated 22.07.2002 as far as petitioner no. 1 is concerned, is upheld.

As far as petitioner no. 2, who is the sister-in-law (Nanad) of the deceased is concerned, her husband as well as various other villagers of the place where she resides in her matrimonial home had categorically stated that one of the co-accused, her brother namely, Mukesh Ram had gone to her matrimonial home to inform her about the death of the deceased and thereafter she alongwith her husband had gone to her maternal home (Naihar) on 13.02.1999. In view of the fact that she was already married and living separately with the husband and that on the fateful day also nothing has come during investigation to indicate that she was present in her maternal home where the incident took place, this Court does not find that there is sufficient ground to proceed against her. Thus, the impugned order dated 22.07.2002 as far as petitioner no. 2 is concerned is set aside. Consequently she stands discharged from the case as well as from the liabilities of her bail bonds and sureties.

The interim order dated 30.06.2004 staying further proceeding in Sessions Case No. 270 of 2001/ 45 of 2001 stands vacated.

Let the lower Court records be sent to the Court concerned forthwith. The Court thereafter shall take

steps for proceeding with the trial in light of the order passed in the present case as well as in Cr. Revision No. 300 of 2004 passed today.

Patna High Court
Dated 23rd July 2012
Anand Kr./NAFR

(Ahsanuddin Amanullah, J.)