

In the Court of Addl. Sessions Judge-I, Gopalganj

S. Trial No. 400/2022

State Vrs Shambhu Chaudhary and others

06-08-2025	Order	Remarks
	Discharge petition under Section 227 Cr.P.C. corresponding Section 250 B.N.S.S. has been filed on behalf of the accused praying there in that the petitioner has been committed to this Court to stand his trial for the alleged commission of offence U/s 304(B), 201, 120(B) of IPC on submission of the charge sheet under the said Section by the Police Uchkagaon, P.S. Case No. 11/20. The aforesaid case was instituted against the petitioner on the basis of FIR lodged by Ramjeet Prasad suspecting the complicity of the petitioner in the alleged murder of his daughter whose dead body was not found till date. The I.O. after instituting the case examined four witnesses in order to collect evidence in the above case. The evidences of the above witnesses were recorded U/s 161 Cr.P.C. corresponding Section 180 B.N.S.S. on the perusal of their statement so recorded in the case diary it will appear that they have simply expressed their suspicion for the involvement of the petitioner in the alleged case. The motive by itself is not sufficient to prove charge against the petitioner in trial in absence of any other evidence suggesting the complicity of involvement of the petitioner. As a matter of fact accused petitioner Raju Yadav, husband of the so called deceased and general and omnibus allegation is leveled against him and nothing specific has been alleged against him. Nothing wrong has been done by the petitioner Raju Yadav who is the husband accused as he left the country on dated 17-09-2019 to Arab country for earning his livelihood being a poor person as it is evident from the certificate issued by the company as well as the Air Tickets and the alleged occurrence took place on 14-01-2020. No rejoinder has been filed on behalf of the other party. The Ld. A.P.P. orally objected the petition. Heard both parties through their Ld. Counsels and I have also heard the additional Public Prosecution representing the State. In light of the decision of the Hon'ble Apex Court in <u>Sajjan Kumar vs CBI [2010] 11 S.C.R. 669</u>, in which seven principles have been laid	

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down for deciding the petition under Section 227 Cr.P.C. corresponding Section 250 B.N.S.S. against the petitioner. Petitioner is the father of the husband of the deceased namely Rinki Kumari. According to the prosecution case on 25-06-2019, the marriage of deceased Rinki Kumari was solemnized with Raju Yadav Singh of this petitioner. Then, subsequently for the demand of dowry and cruelty she has been killed by them. So, the case has been registered U/s 304(B), 201, 120(B) of IPC. This case is registered U/s 304(B) so, according to Section 113(B) of Indian Evidence Act, the adverse burden is against the accused which can be made it out during trial. As per case diary, there are ample material in paragraph number 3, 8 & 9. The dead body has not been recovered, no postmortem was done as per case diary.

Therefore, the petition U/s 227 Cr.P.C. corresponding Section 250 B.N.S.S. is devoid of any merits and the same is rejected.

(Dictated)

(Kailash Joshi)
A.S.J.-I