
i. S.T Case No. 176 of 2022.

In the Court of 7th Addl. Sessions Judge, Munger.

S.T. Case No. 176 of 2022

State Vs. Pramila Devi & Others

07.12.22 Both accused persons 1. Pramila Devi and 2. Mahesh Prasad Bihari are present. Record is put for order today on petition dated 24.08.2022 filed by the petitioners u/s 227 Criminal Procedure Code and rejoinder dated 18.10.2022 filed by the prosecution. In the petition dated 24.08.2022 the petitioners have stated that one of the accused Pramila Devi wife of Late Toofani Mandal is informant of this case, who has informed her husband and informed the local police at East Colony P.S. and Police has registered the case on Fard Beyan, vide East Colony P.S. Case No. 24/2013 dated 25.07.2013 u/s 302/201/34 of the Indian Penal Code. The I.O. did not investigate and without inquiry, he made informant and her father Mahesh Prasad Bihari as accused of this case. The Informant Pramila Devi is 2nd wife of deceased Toofani Mandal and third accused Mukesh Mandal son of late Toofani Mandal is also accused in the said case and deceased was working at Railway workshop, Jamalpur. It is further submitted that informant was legally wedded second wife in the year 2011, the first wife of the deceased died leaving behind one son Mukesh Mandal and two daughters and the deceased was fully habitual drinker and on 24.7.2013 the deceased was drinking wine and came on 9.00 pm and discussion arose between wife and husband and the deceased Toofani Mandal left away the house on the same day and dead body of the deceased found on the Railway Nalapul No. 211 and 212 and cause of death found bleeding from mouth and nose. As per medical report cause of death .i.e death was due to hemorrhage, shock and injury to vital organ brain as a result of above mentioned injuries caused by hard and blunt object and there is no witnesses who have supported this case alleged by this accused persons. The cognizance has been taken u/s 302/201/34 of the Indian Penal Code and alleged sections are not made out in the said case and I.O. is only relied upon the

doubt. It is therefore, prayed to discharge the accused persons and acquit them from bail bonds. The prosecution has filed rejoinder on 18.10.22 against the petition of the petitioner dated 24.8.22 stating therein that petition u/s 227 Cr.P.C. filed by the accused dated 24.8.22 is not maintainable either in the eye of law or on facts. FIR has been lodged u/s 302/201/34 IPC against the accused persons on 25.7.13. and cognizance has been taken under the above sections and also committed under the same sections on 13.5.16 as well as 23.3.22. The prima facie case is made out u/s 302/201/34 IPC against the accused persons and there is sufficient material against the accused persons for framing of charge, hence, there is no question to discharge the accused persons and the petition u/s 227 of the Cr.P.C. filed by the accused is ~~not to be dismissed.~~ ~~It is~~ prayed to ~~dismiss the petition filed by the~~ accused persons dated 24.8.22 filed u/s 227 of Cr.P.C.

I have already heard the rival contentions of both parties and perused the case record. From perusal of the case record it transpires that this case was registered u/s 302/201/34 IPC against unknown and after investigation I.O. has submitted final form u/s 302/201/34 of the IPC showing Pramila Devi second wife of deceased, father in law Mahesh Prasad Bihari and Mukesh Mandal as suspect and vide order dated 31.05.2016 cognizance has been taken in this case accordingly. After supplying of police paper to the accused persons this case is committed to the court of sessions. From perusal of the case dairy and postmortem report available on the case record it transpires that there is sufficient material available on the case record to frame charge against both petitioners. At this juncture it is pertinent to mention that at the time of framing of charge u/s 228 of Criminal Procedure Code or while considering the discharge petition filed u/s 227 of Cr. P.C, it is not for the court concerned to analyze all the materials

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including pros and cons, reliability or acceptability etc. The evidentiary value and its credibility or acceptability has to be considered at the stage of trial.

In the light of aforesaid discussions, having regard to facts and circumstances of the case petition dated 24.08.2022 filed by the petitioners is hereby rejected and both accused persons are directed to appear physically for framing of charge u/s 302/201/34 of Indian Penal Code.

Put up on 23.12.2022 for framing of charge.


7th Addl. Sessions Judge, Munger.

07.12.2022.