

IN THE COURT OF ACJM, BIRPUR

Present: Amit Gourav

Complaint Case No. 369/2017

Suraji Devi

Vs.

Roundi Mukiaya

Order dated: 08.07.2026

The record is fixed today for hearing on the point of charge after the closure of before-charge evidence. Sole accused is present. The complainant is absent.

Perused the record.

On perusal of the record, it appears that after recording the solemn affirmation of the complainant and the statements of the inquiry witnesses under Sections 200 and 202 Cr.P.C., this Court found a prima facie case under Section 498A of the IPC and, accordingly, summoned the accused.

Thereafter, upon the appearance of the accused, the case entered the stage of before-charge evidence under Section 244 Cr.P.C. on 18.11.2019. However, despite repeated opportunities and specific directions of the Court, the complainant failed to adduce any evidence before charge. Rather, the record reveals that she has not appeared before the Court since 31.03.2021. Ultimately, finding no justification for granting any further opportunity, the before-charge evidence was closed by order dated 26.03.2026.

Today also, the complainant has remained absent without filing any petition or assigning any explanation.

At this stage, the Court is required to consider whether there exist sufficient grounds for framing charge against the accused. Admittedly, no evidence whatsoever has been adduced by the complainant under Section 244 Cr.P.C. after the appearance of the accused. The statements recorded at the pre-summoning stage under Sections 200 and 202 Cr.P.C. cannot, by themselves, be treated as evidence under Section 244 Cr.P.C. for the purpose of framing charge in a warrant case instituted otherwise than on a police report. In the absence of any evidence recorded under Section 244 Cr.P.C., there is no legal material on record on the basis of which a charge can be framed against the accused.

Accordingly, this Court is of the considered opinion that no case against the accused has been made out which, if unrebutted, would warrant his conviction. Consequently, the accused, Roundi Mukiaya, is hereby discharged under Section 245(1) Cr.P.C. from the offence punishable under Section 498A of the IPC.

The bail bonds furnished by the accused stand cancelled. The sureties are discharged from their liabilities under the bail bonds.

Let the case record be consigned to the Record Room after due compliance.


(Amit Gourav)
ACJM, Birpur