

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III,
VAISHALI AT HAJIPUR**

(Sessions Trial No. 490/2023)

03.08.2024

ORDER

Heard, the petition filed on behalf of accused dated 02-12-2023 u/s 227 of Cr.P.C. and its rejoinder dated 22-04-2024. Ld. Counsel for the petitioner submitted that in this case petitioner the sole accused who is wife of deceased and it is alleged that she with connivence of other murdered her husband. Where from on F.I.R. this case has been instituted alleging therein the date of occurrence is 28-08-2021 whereas the inquest report shows the date of inquest on 27-08-2021 and both the witnesses of inquest report are the witnesses residing of the village of informant not this accused. F.I.R. has been lodged on 29-08-2021. All the local witnesses examined during trial in para 12, 13, 40, 41, 42 of the case diary has supported the fact that deceased was died due to committing suicide. After investigation, the police has exhonored other accused for prosecution and only this petitioner was sent up for trial. Moreover, the postmortem report was not corroborated with the occurrence and as such no offence is made out against the petitioner and accordingly he pray for discharge the petitioner.

Ld. A.P.P. submitted that from perusal of case diary and the F.I.R. this is the case of murder not the suicide and as such there is sufficient ground to proceed in trial.

After hearing argument of both the parties. This court is of opinion that all the point which is raised by the petitioner are to be considered in trial not at this stage. Hence, same is hereby rejected.

Put up for charge on 09-08-2024.

Dictated

Addl. Sessions Judge-III
Vaishali at Hajipur.
03-08-2024