

In the Court of Sri Prince Bharti J.M. Ist-cum-A.M.-III,
Bagaha, West Champaran

Phoolmati Devi Vs Rani Devi & Others
C - 911/2022
Cr(P) - 1010/2021

12.12.2022

Today this record has been placed before me for order. I perused the record, and on perusal, it appears that the complainant - Phoolmati Devi of Vill. - Kadamhawan, P.S. - Chiutaha, Dist. - West Champaran has filed this complaint case on 10-10-2022 against 1) Rani Devi, and, nine other persons named in her complaint petition in the court of learned A.C.J.M. - 1st, Bagaha, who after taking cognizance transferred the case to this court for inquiry and further proceeding and the same has been received by this court on 15-10-2022.

After inquiry, the record is today fixed for order on the point of issuance of process. Heard the Ld. Counsel for the complainant, perused the complaint petition, solemn affirmation of the complainant, and the deposition of witnesses namely, (1) Jitendra Sharma (neighbour of the complainant), (2) Harishchandra Uraon (neighbour of the complainant, and (3) Shamshuddin (neighbour of the complainant). Also perused other documents placed on record.

The complainant's case as alleged by the complaint, in a nutshell, is that: - the complainant married her son with the accused No.1 around 6-7 years earlier. On the date of the incident, the family members of the complainant's daughter-in-law visited the complainant's house and had dinner, and then everybody went to sleep. In the morning, when the complainant woke up, she found that all the guests and her daughter-in-law were gone, and when she checked her house, she found that the lock of the case kept in her house was broken and valuables of around 1.5 lakhs and cash of around Rs. 20,000/- went missing. Later on, when she inquired with the local villagers, she came to know that the accused persons were seen leaving the village at around 4 A.M. in the morning. When the complainant went to her daughter-in-law's house to bring her back, she refused to go with her and also refused to return her valuables.

ORDER

On perusal of the complaint petition, statement of the complainant upon oath as well as statement of inquiry witnesses, it appears that there are a bunch of contradictions appears from the statements of the witnesses, solemn affirmation of the complainant, and the facts stated in the

12.12.2022

(Continued)

complaint petition. The complainant in Para - 1 of her solemn affirmation stated that she went outside her house after feeding the accused persons and when she returned, she found out that they were gone whereas the complainant in her complaint petition has stated that the accused persons were found missing when she woke up in the morning. Also, the complainant in Para - 7 of the court question asked during the solemn affirmation mentioned that the local villagers had seen the accused persons carrying the valuables whereas the complainant in her complaint petition has only mentioned that the witnesses have seen the accused persons leaving the village and the fact that they were carrying the stolen items or not was not mentioned. The witnesses had seen the accused persons taking away the valuables or not was nowhere mentioned. The statement of the inquiry witness - 4 of the court question and also the statement of the complainant and No. 3 in Para - 6 of the court question states that the complainant and her daughter-in-law are not in good relation with each other, they often use to fight and the daughter-in-law was not willing to live in her in-law's house. In these circumstances, it is not digestible that when the accused persons visited the complainant's house, she left the house unattended with the cash and valuables kept in it. The statement of the other inquiry witnesses also seems to be hearsay, tutored, and induced. **In the light of the above discussion, facts, and circumstances of this case this court does not find any sufficient ground for proceeding in this case, thus, the complaint petition is hereby dismissed under Section - 203 of the Code of Criminal Procedure, 1973. O/C is directed to consign the record to the record room accordingly.**

(Typed & Corrected)

Prince Bharti
(Prince Bharti) 12/12/2022
J.M.F.C.