

IN THE COURT OF SESSIONS JUDGE, SONBHADRA.

Present: Ashok Kumar Yadav-I, HJS

Sessions Case No. 93 of 2023

State

Versus

Umesh Kumar Yadav

CHARGE

I, Ashok Kumar Yadav-I, Sessions Judge, Sonbhadra do hereby charge you Umesh Kumar Yadav as follows:-

Firstly, that you Umesh Kumar Yadav, being husband of deceased Rinku Devi, subjected Rinku Devi to cruelty with a view to meet the demand of dowry since the date of marriage and upto the date of death and thereby committed an offence punishable under section 498A I.P.C. and within the cognizance of this court.

Secondly, that you, on or about 17.10.2022, at unknown time, at village Kolinduba, within the local limits of P.S. Wyndhamganj, District Sonbhadra, caused the death of Rinku Devi otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband in connection with demand of dowry and thereby committed an offence punishable under section 304-B I.P.C. and within the cognizance of this Court.

Thirdly, that you, before the death of Rinku Devi and after the marriage, demanded Rs. 50,000/- and motorcycle from the parents of the deceased and thereby committed an offence punishable under section 4 Dowry Prohibition Act and within the cognizance of this Court.

ALTERNATIVE CHARGE

That you, on or about 17.10.2022, at unknown time, at village Kolinduba, within the local limits of P.S. Wyndhamganj, District Sonbhadra, did commit murder, causing the death of Rinku Devi and thereby committed an offence punishable under section 302 I.P.C. and within the cognizance of this court.

And I hereby direct that you be tried by this court on the said charges.

Dated: 13.02.2023

**(Ashok Kumar Yadav-I)
Sessions Judge,
Sonbhadra.**

Charges read over and explained to the accused persons in vernacular language who pleaded not guilty and claimed to be tried.

Dated: 13.02.2023

**(Ashok Kumar Yadav-I)
Sessions Judge,
Sonbhadra.**

IN THE COURT OF SESSIONS JUDGE, SONBHADRA.

Present: Ashok Kumar Yadav-I, HJS

Sessions Case No. 93 of 2023

State

Versus

Umesh Kumar Yadav

ORDER

13.02.2023

Case called out. Accused Umesh Kumar Yadav is present from jail along with his learned counsel.

Heard on framing of charge. Learned D.G.C. (Criminal) opened the case and briefly submitted about the evidence and material collected against the accused person and submitted that charges under sections 498A, 304-B IPC and $\frac{3}{4}$ D.P. Act are being made out. He also submitted that alternate charge under section 302 IPC made out against accused person.

On the other hand, the learned counsel for the accused person submitted that there is nothing on record to suggest that the accused person actually committed any crime and therefore he may be discharged.

Upon consideration of documents available on record and after hearing the submissions of the learned counsel, I am of the opinion from the material available on record that there is ground for presuming that accused person has committed offence punishable under sections 498A, 304-B IPC and $\frac{3}{4}$ D.P. Act. As per the postmortem report of the deceased, cause of death is Asphyxia due to hanging hence, there is sufficient evidence to presume that the deceased was murdered and therefore, alternate charge under section 302 IPC is also be framed. Let charges be framed accordingly.

Fix 23.02.2023 for prosecution evidence.

This case is transferred to the court of Addl. Sessions Judge/ F.T.C. (CAW), Sonbhadra for trial according to law.

Sessions Judge.

Sonbhadra

13.02.2023