

IN THE COURT OF SESSIONS JUDGE, SONBHADRA.

Present: Ashok Kumar Yadav-I, HJS

Sessions Case No. 888 of 2022

State

Versus

Arvind alias Anil and others

CHARGE

I, Ashok Kumar Yadav-I, Sessions Judge, Sonbhadra do hereby charge you (1) Arvind alias Anil, (2) Kamalesh and (3) Phoolwanti as follows:-

Firstly, that you Arvind alias Anil, being husband of deceased Aarti, you Kamalesh, being father-in-law of deceased Aarti, and you Phoolwanti, being mother-in-law of deceased Aarti, subjected Aarti 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 03.08.2022, at unknown time, at village Jendi, within the local limits of P.S. Pannuganj, District Sonbhadra, caused the death of Aarti 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, father-in-law and mother-in-law 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 Aarti and after the marriage, demanded Rs. 50,000/- 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 03.08.2022, at unknown time, at village Jendi, within the local limits of P.S. Pannuganj, District Sonbhadra, and in furtherance of your common intention, did commit murder, causing the death of Aarti and thereby committed an offence punishable under section 302 read with section 34 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: 30.11.2022

**(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: 30.11.2022

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

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ORDER

30.11.2022

Case called out. Accused persons are present from jail along with their 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 persons 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 read with section 34 IPC made out against accused persons.

On the other hand, the learned counsel for the accused persons submitted that there is nothing on record to suggest that the accused persons actually committed any crime and therefore they 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 persons have 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 read with section 34 IPC is also be framed. Let charges be framed accordingly.

Fix 14.12.2022 for prosecution evidence. Issue summon to witness Jitendra Pratap.

Sessions Judge.
Sonbhadra
30.11.2022