

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (S.J) No.102 of 2024**

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1. Sumit Chatterjee @ Somith Chatterjee, age about 31 years, S/o Late Nitish Nath Chatterjee
2. Laxmi Chaterjee @ Laxmi Devi @ Laxmi Chatterjee, age about 65 years, W/o Late Nitish Nath Chaterjee,  
*Appellant Nos.1 & 2, R/O Ropewage, B.B. Camp, Coal Board Colony, Qr. No.B-111, Bhulan Barari, P.O & P.S. Jorapokhar, District Dhanbad*
3. Mithu Ghoshal, age about 47 years, W/o Purnashish Ghoshal
4. Purnashish Ghoshal, aged about 58 years, S/o Late Subol Chandra Ghoshal  
*S. No.2 & 3, R/o Shanti Kunj, Monohartand, P.O & P.S. Sindri, District Dhanbad*
5. Itu Mukherjee, age about 45 years, W/o Amar Mukharjee, R/o Kushmatand, P.O & P.S. Baliapur, District Dhanbad
6. Kumkum Mukherjee, age about 33 years, W/o Sumesh Mukharjee, R/o Kasmar (Dhadhakiya) P.O & P.O Kasmar, District Bokaro

.... .... **Appellant(s)**

**-Versus-**

1. The State of Jharkhand & Anr.
2. Chinu Chatterjee, W/o Somit Chatterjee, present R/o Bhulan Barari, Ropeways, B.B. Camp, Call Board Colony, Q-B2, P.O & P.S. Jorapokhar, District Dhanbad

.... .... **Respondent(s)**

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**CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR**

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|-------------------------|-------------------------------------|
| For the Appellants      | : Mrs. Arpita Sharkar, Adv.         |
| For the State           | : Mr. Sanjay Kr. Srivastava, A.P.P. |
| For the Respondent No.2 | : Mr. Krishna Shankar, Adv.         |

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**20/Dated: 18<sup>th</sup> April, 2026**

1. Heard the parties.
2. The present Criminal Appeal has been filed against the order dated 30.01.2024 passed by learned Special Judge-SC/ST, Dhanbad in connection with SC/ST Case No.109 of 2018, arising out of Jorapokhar P.S. Case No.143 of 2016 whereby and whereunder the discharge petition preferred by the appellants have been dismissed and the Court has hold that the offences punishable under Sections 498A/34 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 3(i)(x) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act prima facie has been made out. The case is pending in the court of the learned Special Judge, SC/ST, Dhanbad.

3. It has been submitted by the learned counsel for the appellants that the appellant No.1 and the complainant are related by marriage being husband and wife. It is further submitted that certain matrimonial disputes has arisen between them and accordingly, complaint case has been filed alleging cruelty and demand of dowry.

4. After investigation, police has submitted the charge-sheet on 30.11.2018 for the offence under Sections 498A/34/376/493 of the Indian Penal Code and Section 3/4 of the of the D.P. Act and Sections 3(i)(x) of the SC/ST (PoA) Act.

5. As per the allegations made, this Court finds that the appellants have to face the trial, so far as the offences under Sections 498A and Section 3/4 of the of the D.P Act is concerned.

6. So far as the offence under Sections 3(1)(x) of the S.C/S.T (PoA) Act is concerned, since the parties are related by marriage and as such, no allegation under the S.C/S.T (PoA) Act is maintainable against the appellant/husband.

7. In that view of the matter, the order of taking cognizance, vide order dated 12.12.2018, under the SC/ST (PoA) Act is hereby, quashed and set-aside.

8. The matter is hereby, remitted back to the learned Court below to proceed further in accordance with law.

9. With the above observation and direction, the present criminal appeal is hereby, disposed of.

**(Rajesh Kumar, J.)**