

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 162 of 2013

Anand Ojha, S/o Late Nagesh Chandra Ojha, R/o 809 at Coy
ASC (10 Corps Postal Unit), PIN 901910, C/o 56 APO at P.V.-
Pakhanjur, P.O. & P.S.- Pokhanjur, District- Uttar Bastar,
Kanker, Chhatisgarh, Pin- 464776. **Petitioner**

Versus

1. The State of Jharkhand
2. Rita Rani Ojha, W/o Shri Anand Ojha, R/o Bhuli 'E' Block
Qr. No. 1/14, P.O. & P.S.- Bank more (Bhuli O.P.), District-
Dhanbad. **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner	: Mr. Indrajit Sinha, Advocate Mr. Suraj Singh, Advocate
For the State	: Mr. Nehru Mahto, A.P.P.
For the O.P. No. 2.	: Mr. M.B. Lal, Advocate

06/28.02.2017 Heard Mr. Indrajit Sinha, learned counsel appearing for the petitioner and Mr. Nehru Mahto, learned A.P.P. for the State as well as Mr. M.B. Lal, learned counsel appearing for the opposite party no. 2.

This application is directed against the order dated 22.01.2013 passed by the learned Judicial Magistrate, 1st Class, Dhanbad in connection with Dhanbad (Bhuli O.P) P.S. Case No. 987 of 2011, corresponding to G.R. No. 4041 of 2011, whereby and whereunder the application preferred by the petitioner for discharge has been rejected.

It has been submitted by the learned counsel for the petitioner that the impugned order does not disclose any reason for refusing to discharge the petitioner for the offences for which he is being prosecuted. It has been submitted that the petitioner has been implicated merely because he is the husband of the opposite party no. 2. Learned counsel for the petitioner submits that there is no allegation of committing torture upon the opposite party no. 2. Learned counsel for the petitioner further raised the question of territorial jurisdiction. It has also been submitted that there has been considerable delay in instituting the complaint case.

Mr. M.B. Lal, learned counsel appearing for the opposite party no. 2 and Mr. Nehru Mahto, learned A.P.P. for the State have

opposed the prayer made by the petitioner.

It appears from the complaint petition that in the year 2005 the opposite party no. 2 could come to learn that the petitioner had solemnized marriage with a widow lady. It further appears that the complaint petition also reveals that the opposite party no. 2 apart from torture in Chhatisgarh was also tortured at Bhuli in the District of Dhanbad both mentally and physically and there was always a threat existing that the petitioner will once again solemnize marriage. The allegations made in the complaint petition do invite the jurisdiction of the court at Dhanbad to try the offence alleged against the petitioner. There appears to be a prima facie case in existence against the petitioner which has been considered by the learned trial court before rejecting the application preferred by the petitioner for discharge. The status report which has been received by this Court further reveals that out of seven charge-sheeted witnesses four witnesses have been examined and the trial is pending for examination of the rest three witnesses.

In view of the prima facie evidence collected against the petitioner and the fact that the trial is on the verge of closure, I am not inclined to interfere in the impugned order dated 22.01.2013 and accordingly having found no merit in this application the same is, hereby, dismissed.

The learned trial court is directed to expedite the trial.

Pending I.A. also stands disposed of.

(R. Mukhopadhyay, J.)