

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 5887/2020

Mohammad Arshad S/o Shri Guljar Mohammed, R/o 200-B Wakf
Nagar Ps Vigyan Nagar Kota

--Accused-Petitioner

Versus

1. State Of Rajasthan, Through PP
--Respondent
2. Samrin D/o Riyajuddin, R/o Brahampuri Ps Kotwali Bundi
--Respondents/Complainant

For Petitioner(s) : Mr. Shamsuddin Ansari

For Respondent(s) : Mr. S.S. Ola, PP

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

31/03/2021

This criminal miscellaneous petition has been filed by the accused-petitioner challenging the order dated 21.10.2020 passed by the learned Additional Sessions Judge No.1, Bundi in criminal revision petition no.92/2018 whereby the revision petition filed on behalf of the accused-petitioner against the order dated 19.02.2018 framing charges by the learned trial court against the accused-petitioner under Sections 498-A and 406 of IPC was dismissed.

Brief facts of the case are that the complainant lodged an FIR no.81/2016 under Sections 498-A and 406 of IPC at Police Station Mahila Thana, Bundi. After investigation, the investigation agency submitted charge-sheet against the accused-petitioner for

the offences under Sections 498-A and 406 of IPC, thereupon cognizance was taken and the learned trial court vide order dated 19.02.2018 framed charges against the accused-petitioner for offence under Sections 498-A and 406 of IPC. Being aggrieved by the order dated 19.02.2018 framing charges, the accused-petitioner filed a revision petition which was dismissed by the learned revisional court vide order dated 21.10.2020. Hence, this petition has been filed by the accused-petitioner challenging both the orders dated 19.02.2018 and 21.10.2020.

Counsel for the accused-petitioner submits that according to the statement of independent witnesses, there is no allegation against the accused-petitioner with regard to demand of dowry. Counsel further submits that the petitioner gave divorce to the complainant as per the provisions of Muslim law. Counsel further submits that the accused-petitioner has handed over the dowry items to the complainant.

Learned Public Prosecutor has opposed the petition.

Heard counsel for the parties and perused the record.

This petition filed on behalf of the accused-petitioner deserves to be dismissed for the reasons; firstly, the learned trial court has rightly considered the statement of complainant, her mother and father and witness-Gayasuddin who have levelled the allegation of demand of dowry against the accused-petitioner; secondly, the Hon'ble Supreme Court, time and again, has held that the court has to see while considering the question of framing of charges as to whether the material brought on record could reasonably connect the accused with the crime and in the present case, the complainant, her father, mother and one Gayasuddin have alleged in their statements against the accused-petitioner

with regard to demand of dowry and, therefore, in my considered view, both the courts below have not committed any illegality or error in passing the impugned orders, as such no interference is required by this Court under Section 482 Cr.P.C.

Hence, this petition is dismissed.

(INDERJEET SINGH),J

CHARU SONI /62



सत्यमेव जयते