

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Revision No. 1396 of 2022**

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Masomat Amita Chakraborty @ Amito Chakraborty, aged about 60 years, S/o Late Krishna Kumar Bhattacharjee, Resident of Ward No.6, Gandhi Nagar, Jodhadih More, P.O. - Chas P.S. - Chas, District - Bokaro

... **Petitioner**

Versus

1. The State of Jharkhand
2. Parilata Kumari, W/o Ravi Bhattacharjee @ Ravi Bhattacharya, D/o Late Pramod Mishra, Resident of Chhath Talab Road, Chatra, P.O & P.S. - Chatra, District - Chatra.

... **Opp. Parties**

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For the Petitioner : Mr. Rishi Pallava, Adv.  
For the State : Mr. Abhay Kumar Tiwari, A.P.P.  
For the O.P. No.2 : Mr. Vijay Kumar Sharma, Adv.  
Ms. Poonam Verma, Adv.

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**PRESENT**

**HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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**ORDER**

**C.A.V. on 11.05.2026**

**Pronounced on 09.06.2026**

1. Instant criminal revision is directed against the order dated 11.10.2022 passed by S.D.J.M., Chatra in G.R. Case No. 861 of 2021, whereby and whereunder the Miscellaneous Criminal Application No. 1479 of 2022 filed by the present petitioner for discharge has been rejected for the offences under Section 498A/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

2. Factual matrix giving rise to this revision as per F.I.R. registered on the basis of written application of one Parilata Kumari dated 16.06.2020 is that the marriage of the informant was solemnized on 08.03.2018 at Bhadrakali Mandir with Ravi Bhattacharya. The informant's father has been died and she was living with her widow mother and younger brother and sister. It is alleged that at the time of marriage, mother of the informant gave household articles, ornaments worth Rs.3,00,000/- (Three Lacs) to the accused persons. Just after the marriage, her mother-in-law and husband started subjecting her mental cruelty asking some more money which was fulfilled by her mother then she was kept quite well for some time and became pregnant. It is further alleged that the informant's mother-in-law (petitioner) was pressurizing to informant to get abortion. Her husband also started threatening to divorce her and she was also physically assaulted by her husband who was addicted of taking liquor. Her mother-in-law also pulled her out from the house, brutally assaulting her and some unwanted medicines were also administered in her milk. It is alleged that due to constant assault and torture meted at the hands of her

husband and mother-in-law, she returned to her mother's house in the month of August 2018 but her husband did not come to see her and newly born girl child nor he is giving any maintenance allowance.

3. After conclusion of investigation, charge-sheet was submitted against both the accused persons for the offences under Section 498A/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act. At the time of hearing on the point of charge, the present petitioner being mother-in-law of the informant filed discharge petition which has been rejected through impugned order and assailed in this revision.

4. I have already heard the arguments of learned counsel for the petitioner as well as learned counsel for the opposite party No.2 and the learned A.P.P for State.

5. Learned counsel for the petitioner submits that petitioner is mother-in-law of the informant and there are general and omnibus allegations of demand of dowry and torture meted with the informant. There are no specific date and day when the present petitioner assaulted to the informant and pressurized her for abortion of the child during her pregnancy. It is further submitted that the

informant herself was not liking present petitioner and used to mentally torture her husband to live as gharjamai along with her mother. It is apparent from the written report of the informant that she gave birth to a female child on 23.01.2019. Thereafter, she also went to reside with her husband in his rented quarter where dispute arose between them. She has also imputed unwarranted allegation against the petitioner that she was indulged in obscene activities with her own son. It is further submitted that petitioner was never resided with the informant and her husband at Chatra rather she was posted as Assistant Superintendent, A.M.N. at Bal Vikash Pariyojana Chandan Keyari and residing at Chas and retired on 31.01.2022. Therefore, overall allegations contained in the F.I.R. are centered around against the husband of the informant and not against the petitioner. The learned Trial Court has failed to consider as to what materials are available against the petitioner constituting the offences under Section 498A/34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act. Therefore, impugned order is based upon non-consideration of materials available on record and sketchy order was passed by the learned Trial Court which is

fit to be set aside.

6. On the other hand, learned counsel for the opposite party No.2 assisted with learned A.P.P. for State has submitted that the Trial Court has considered the materials available on record, collected during investigation against the petitioner and rightly rejected her application for discharge although mentioned under wrong provision of law under Section 228 of the Cr.P.C.

7. I have gone through the impugned order, it appears that the learned Trial Court has simply pointed out some paras of the case diary but no reasoned finding has been recorded as to what are the materials available against the petitioner for rejecting her discharge application. Therefore, impugned order is hereby set aside and matter is remitted back to the concerned Trial Court to pass a fresh order taking into consideration the entire materials appearing against the petitioner for framing charge for the offences involved in this case after giving reasonable opportunity of hearing to both parties. Accordingly, this revision is **allowed** with aforesaid observation.

8. Pending I.A., if any, stands disposed of.

9. Let a copy of this order be sent to the concerned Court for information and needful.

**(Pradeep Kumar Srivastava, J.)**

Jharkhand High Court, Ranchi

Dated: 09/06/2026

Sachin / **NAFR**

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