

Pritam Kaur Vs. State and ors.

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SooperKanoon Citation : sooperkanoon.com/523940

Court : Jharkhand

Decided On : Apr-02-2002

Reported in : 2002(2)BLJR1071

Judge : D.N. Prasad, J.

Appeal No. : W.P. (Crl) No. 141 of 2001

Appellant : Pritam Kaur

Respondent : State and ors.

Judgement :

ORDER

D.N. Prasad, J.

1. This is an application under Article 226 of the Constitution of India praying therein for issuance of an appropriate writ/order/direction in the nature of mandamus directing the respondents concerned to show cause as to why under what authority the respondents concerned are not arresting the accused Paramjeet Kaur, respondent No. 4, who is very much present in Jamshedpur and is pursuing legal proceedings in various Courts.

2. The respondent No. 4 also intervened in this application and filed an application under Article 226 claiming therein that she is an actual widow of late Jagtar Singh

and actually the petitioner is an imposter and has instituted this writ application on false, incorrect and misleading facts. It is further alleged that Paramjit Kaur ran away from the house of Chanchal Singh some time in the year 1980 and since then Paramjit Kaur wife of Awtar Singh has absolutely no connection with either Chanchal Singh or his family members.

3. Today, one counter-affidavit has been filed on behalf of the respondent-State stating therein that in order to arrest Paramjit Kaur, issuance of process under Section 82/83, Cr.P.C was also taken and all actions for arresting the accused in the said case have been made.

4. Heard the learned Counsel appearing on behalf of both sides and also the learned APP.

5. Learned Counsel appearing on behalf of the petitioner submitted that actually the respondent No. 4 impersonated the petitioner's name and had obtained bail by committing forgery and cheating and she is not appearing in the Court below for facing trial even though the Court below is taking coercive steps against her.

6. On the other hand, learned Counsel appearing on behalf of the Intervenor submitted that actually the Intervenor is the real wife of Jagtar Singh, which will be evident from the documents placed in the case.

7. From going through and having heard the arguments from both the sides, it appears that the question relates to the fact as to who is the actual Pritam Kaur and it is a matter of fact, which will be decided by the trial Court itself considering the evidence collected from both sides and hearing both sides.

8. In this view of the matter, respondent is directed to appear in the Court below and face trial so that the matter will be decided and set at in accordance with law.

9. With this observation, this application disposed of.