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Case against income tax officer quashed

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[Wednesday, January 11, 2006 01:01:44 am TIMES NEWS NETWORK]

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LUCKNOW: A division bench of the high court comprising Justice Bhanwar Singh and Justice JM Paliwal here on Tuesday quashed the entire criminal proceedings pending against an assistant income tax commissioner, Sanjiv Yadav, for dowry harassment.

The bench passed the order while allowing a writ petition filed by Dharam Raj Yadav (Sanjiv's father) and others for quashing the chargesheet while treating it to be a petition under Section 482 Cr PC.

It may be recalled that the proceedings against Sanjiv was initiated on the basis of an FIR lodged by his wife Dipti Yadav on January 11, 2005 alleging harassment for dowry.

After going through the material on record, the bench observed that the investigating officer had acted in a malafide manner and had manipulated things to mislead the court of the additional chief judicial magistrate as well as this court.

The bench further remarked that the additional chief judicial magistrate had also acted without application of mind in taking cognizance of the matter as the Lucknow court had no jurisdiction to deal with the offence alleged to have been committed in Jaunpur, Sultanpur, Gorakhpur etc.

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The bench also came to the conclusion that the presents and gifts given at the time of marriage to Sanjiv or his family members could not be termed as dowry.

The court, hearing Dr LP Misra for the petitioner and counsel for the complainant and state, had reserved its verdict on December 1 last. The judgement was delivered in the open court on Tuesday.

Addl Adv general: Jaideep Narain Mathur, has been appointed additional advocate general by the state government.

Born in 1963, Jaideep had his education at La Martiner College, Lucknow and did his law graduation from Lucknow university.

He started practicing in the high court in 1988 under his father Mr PN Mathur, senior advocate and former president of Oudh Bar Association, Lucknow bench.

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