

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.196 of 2014

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1. Rajesh Kumar Son Of Ram Nath Sah Resident Of Village-Mansoor Chak, Ganap Tol, P.S.-Mansoorchak, District-Begusarai

2. Gyan Prakash Son Of Ram Nath Sah Resident Of Village-Mansoor Chak, Ganap Tol, P.S.-Mansoorchak, District-Begusarai

3. Gopal Sah Son Of Late Anugrah Sah Resident Of Village-Mansoor Chak, Ganap Tol, P.S.-Mansoorchak, District-Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar

2. Binita Devi Wife Of Rishi Kumar, D/O-Dhaneshwar Sah Resident Of Village-Bhairokhara, P.S.-Tajpur, District-Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Respondent/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 01-09-2015 No one appears on behalf of the private opposite parties.

The petitioner seeks revision of the order dated 17.01.2014 by which the S.D.J.M., Samastipur has summoned the petitioner under the provision of 319 Cr.P.C. in Complain Requisition No.843 of 2010.

It is well known principle of law that even though the Court has discretion to summon additional accused under Section 319 Cr.P.C. but this discretion is to be used sparingly. In the present case, I do not find any justification for him to have passed such an order. Hence the application is allowed and the order dt.17.01.2014 passed by the S.D.J.M., Samastipur is hereby quashed so far the petitioners are concerned.

The application stands allowed.

Sanjeev/-

(Anjana Prakash, J)

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