

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.387 of 2013

Arising Out of C.R. No.992 of 2011 Year- null Thana -null District- NAWADA

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1. Arvind Kumar @ Arvind Singh S/O Lt. Bijay Singh, R/O Village - Mahanandpur, P.S. Akbarpur, Distt. - Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. Munni Devi W/O Shri Anuj Singh, R/O Village - Mahanandpur, P.S. Akbarpur, Distt. - Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durjesh Kr. Singh, Advocate
For the Respondent/s : Mr. Awadhesh Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-03-2015

The Petitioner seeks quashing of the order dated 8.3.2013, by which the Additional Sessions Judge 1st, Nawada has remanded the matter to the court below in Criminal Revision No.80 of 2011 for fresh order on the point of cognizance.

The background facts are that after a police case was instituted investigation proceeded but the police submitted final report which was accepted by the court below. Thereafter the Complainant filed protest petition which was treated as a Complaint and cognizance was taken under Section 354 I.P.C. The Complainant was aggrieved with such order because in her opinion an offence under Section 376 I.P.C. was made out. The Revisional Court without notice

to the Petitioner allowed the revision and remanded the matter to the Court below for fresh order on the point of cognizance.

The Petitioner submits that since the Revisional order was passed without hearing him, it is illegal and deserves to be set aside.

There is no doubt that the Petitioner should have been heard before the final order was passed by the Revisional Court but in the facts of the case since it is only a matter of remand, I am not inclined to interfere in the same.

Hence, the application is disposed of with a direction to the Chief Judicial Magistrate, Nawada in connection with C.R. No.992 of 2011 to pass necessary orders within a period of two weeks from the date of receipt of this order without being prejudiced by the observations of the Revisional Court as to what offence is made out.

(Anjana Prakash, J)

Narendra/-

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