

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9603 of 2015

Arising Out of PS.Case No. -7 Year- 2014 Thana -JAKKANPUR District- PATNA

1. Saroj Devi @ Shandhaya Singh W/O Sri Vakil Rai R/V- Kumhrar behind
Biklank School, Chanakiya Nagar Colony, P.S.- Agam Kuan, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Anju Devi W/O- Sri Vakil Rai R/V- Indra Nagar, Road No.-4, Postal Park, P.S.-
Jakkanpur, Distt.- Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the State : Mr. Parmeshwar Mehta, APP

For Opposite Party No.2: Mr. Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 06-08-2015

This application under section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 09.01.2015 passed by the learned Sessions Judge, Patna in Cr.Revision No. 4472 of 2014, by which the learned Sessions Judge has rejected the revision application preferred by the petitioner against the order dated 31.05.2015 passed by the learned Judicial Magistrate 1st Class, Patna in Jakkanpur P.S.Case No.7 of 2014, whereby the learned Magistrate has framed charges under sections 498-A and 494 read with 34 of the Indian Penal Code against the petitioner. The revisional court has declined to interfere with the order framing charge on the ground that witnesses are being

examined during trial.

Learned counsel for the petitioner has submitted that the charges were framed on the date on which the police paper was supplied to the petitioner in compliance with section 207 of the Code of Criminal Procedure.

I have perused the order dated 31.05.2014 passed by the learned Magistrate. It would be evident from the aforesaid order that before framing of charge, the petitioner was heard and after hearing the petitioner, the court proceeded to frame charge. It is pointed out by the learned counsel for the opposite party no.2 that by now four out of the seven charge sheet witnesses have been examined and the trial is likely to conclude in near future.

Though the present application has been filed under section 482 of the Code of Criminal Procedure, the same is in the nature of second revision and, as such, not maintainable in law in view of the provisions prescribed under section 397(3) of the Code of Criminal Procedure. Even otherwise, at this belated stage, I do not think it appropriate to interfere with the order under challenge.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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