

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1059 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

1. Ram Rekha Singh Son Of Dwarika Singh, Resident Of Village - Jhunapur, Police Station - Mufasil, (Mahadeva O.P.), District - Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mohan Prasad son of late Parmanand Prasad, resident of village Jhunapur, Police Station Mufasil (Mahadeva O.P.), District Siwan

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Respondent/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 08-05-2015

The Petitioner seeks revision of the order dated 31.7.2013, by which the Sessions Judge, Siwan in Criminal Revision No.137 of 2013 has set aside the order dated 26.4.2013, by which the Judicial Magistrate, 1st class, Siwan had refused to proceed against the Petitioner in Cr.Misc.No.2 of 2009 arising out of Siwan (M) P.S. case No.108 of 1996.

The background facts are that the Petitioner was convicted for minor offences by the Judicial Magistrate, 1st class, Siwan, against which he filed Criminal Appeal before the Sessions Judge, Siwan vide Criminal Appeal No.7 of 2007, which was partly dismissed and the sentence was modified giving him benefit of doubt under the

Probation of Offenders Act on execution of bond for a period of one year. Just when the period was to expire the Complainant once again filed a case against the Petitioner and sought cancellation of his bond. The same was refused by the Judicial Magistrate, as against which he filed an application before the District and Sessions Judge, Siwan, who has passed the impugned order.

Having considered the relevant dates, I would be inclined to hold that probably it is only to harass the Petitioner that such recourse was taken to by the Complainant.

Hence, the application is allowed and the order dated 31.7.2013 passed by the Sessions Judge, Siwan in Criminal Revision No.137 of 2013 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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