

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.799 of 2013

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1. Gudu Singh @ Guddu Singh S/O Ramakant Singh' Resident Of Village Sowal, Police Station Tekari, District Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Sheo Janam Singh S/O Late Narsingh Singh Resident Of Village Sowal, Police Station Tekari, District Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Respondent/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

6 13-04-2015 The petitioner, who is one of the accused of the Tekari P.S.Case No. 196 of 2003, is aggrieved with the order dated 30.5.2013 by which the learned Additional Sessions Judge 3rd Gaya in Criminal Revision No. 26 of 2008/ 27 of 2011, allowed the revision of the informant to add him as an accused without hearing him.

The case of the prosecution is that seven accused persons assaulted and caused injuries to the informant and his son. In the First Information Report, even though seven persons were named, but police subsequently exonerated all of them by submitting final report and charge sheet submitted against two other accused persons. The Court below also decided to proceed only against those two persons, exonerating rest of the accused, who were named in the F.I.R.

Naturally, being aggrieved by such order, the informant filed a revision which the Sessions Judge allowed directing the Court below to proceed even against original seven accused.

Submission of the petitioner, who is an accused named in the First Information Report is that without hearing him such an order was passed behind his back which prejudices him.

No doubt, the Revisional Court without noticing the first petitioner should not have passed such an order.

However, when I look into the records of the case in my Revisional jurisdiction, in order to do justice, I would hold that the grievance of the informant was perfectly justified and the trial should proceed even against the seven accused persons, who were originally named in the F.I.R.

Hence, the application is rejected with a direction to the learned Chief Judicial Magistrate, to pass an appropriate order on the point of cognizance in Tekari P. S. Case No. 196 of 2003 taking into account the entire facts within two weeks from the date of receipt/production of this order and proceed in accordance with law.

(Anjana Prakash, J)

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