

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1175 of 2013

Arising Out of PS.Case No. -73 Year- 2010 Thana -null District- SUPAUL

Fekani Devi wife of Ranjeet Kumar, resident of village Haradi, Police Station Marouna, District Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Moti Lal Yadav son of Dourak Lal Yadav, resident of village Baskhora, Police Station Marouna, District Supaul
3. Sukhi Lal Yadav son of Dounik Lal Yadav
4. Debu Yadav son of Kishun Lalal Yadav, both are resident of village Baskhora, Police Station Marouna, District Supaul
5. Ram Sundar Yadav son of late Lakhan Yadav
6. Suresh Yadav son of Ram Sundar Yadav
7. Harivansh Yadav son of Chhotu Ram, all are resident of Harari, Police Station Marouna, District Supaul
8. Kapildeo Yadav, Police Incharge Police Station Marouna, District Supaul

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate

For the State : Mr. Amrendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 22-06-2015

The Petitioner, who was the Complainant, seeks revision of the order dated 9.11.2012, by which Judicial Magistrate, 1st class, Supaul has dismissed Complaint case No.73C of 2010.

The case of the Complainant is that one Moti Lal Yadav, Opposite Party No.2, entered into her house and committed rape upon her. When she protested, the rest of the accused persons assaulted her. Initially a First Information Report, which was instituted, which ended in a final report but on protest-cum-Complaint Petition the case proceeded. After due enquiry even though the Complainant has

supported the case, the Magistrate for some reason dismissed the Complaint. It is for this reason that the Petitioner has filed the present application.

On the last occasion, notices had been issued to the Opposite Parties No.2 to 8 but none appears on their behalf.

Having gone through the case record, I find that there is a definite case against the Opposite Party No.2 Moti Lal Yadav and hence the application is allowed as far as he is concerned and the order dated 9.11.2012 passed by the Judicial Magistrate, 1st class, Supaul in Complaint case No.73C of 2010 is hereby set aside.

The Magistrate concerned is directed to proceed against the Opposite Party No.2 and shall take stringent steps for ensuring his appearance in the case.

(Anjana Prakash, J)

Narendra/-

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