

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1160 of 2013

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1. Bindeshwari Sah S/O Late Nago Sah Resident Of Village - Maheshkhunt
Bazar, P.S. - Maheshkhunt, Dist- Khagaria

2. Putul Devi W/O Bindeshwari Sah Resident Of Village - Maheshkhunt
Bazar, P.S. - Maheshkhunt, Dist- Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar

2. Sitaram Prasad Laheri S/O Late Chhotelal Sah Resident Of Village -
Maheshkhunt Bazar, P.S. - Maheshkhunt, Dist. - Khagaria (Petitioner
Revisionist)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary

For the Respondent/s : Mr. Ashok Kr.Singh 1(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

7 01-09-2015 The petitioner seeks quashing of the Order dated 03.07.2013 passed by Ad-hoc Addl. Sessions Judge, Ist Khagaria in Criminal Revision case No.50 of 2012 by which he set aside the order of S.D.J.M., Khagaria dated 18.02.2012 by which he had rejected the application dt.12.01.2012.

The background facts is that the case centers around the authenticity of signature which was sought to be decided by the Court below. He had referred the matter to M/s Raza & Raza, hand writing expert but since Raza has died his junior, Mr. D. N. Shrivastava managed the affairs of the firm. He filed an application before the Court below that he be permitted to take specimen signature which was allowed by order dated 15.07.2011.

When the report was submitted by D. N. Shrivastave, relying on the same, the Magistrate dropped the proceeding. As against this, the prosecution went before the revisional Court which passed the impugned order setting aside the order of the trial Court on the ground that the matter had been referred to Raza & Raza and not to D. N. Shrivastava, hence, there was no justification for him to send a report nor shifted the Court have acted upon the same.

Considering that the ordersheet of the Court reveals that one point of time, the Court had directed D.N. Shrivastava to take specimen signature there was no occasion for the revisional Court to set aside the order of the Trial Court. Hence, the order dt.03.07.2013 passed by the A.D.J. Ist Khagaria in Cr. Revision No.50 of 2012 is hereby set aside.

This application stands allowed.

(Anjana Prakash, J)

Sanjeev/-

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