

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.971 of 2011**

Arising Out of PS.Case No. -0 Year- null Thana -null District- SAMASTIPUR

1. Md. Nawab Ali, S/O Late Suleman, R/O Village - Karim Nagar, Police Station  
- Mohiuddin Nagar, District - Samastipur

.... .... Petitioner/s

Versus

1. The State of Bihar,  
2. Md. Jahangir Alam,  
3. Md. Shahjahan,  
4. Md. Alamgir, all sons of Md. Nizamuddin, r/o village-Karim Nagar, P.S.-  
Mohiuddin Nagar, district- Samastipur.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Rashid Rais, Advocate

For the Respondent/s : APP

**CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH**

**ORAL JUDGMENT**

**Date: 03-02-2015**

1. The Petitioner, who is the Complainant, seeks revision of the order dated 21.06.2011 by which the Additional Sessions Judge, FTC-I, Samastipur, in Cr. Revision No.425 of 2010 has set aside the order of cognizance dated 27.04.2010 passed by the Judicial Magistrate, 1<sup>st</sup> class, Samasitpur, in Complaint-cum-Protest Petition No.128 of 2002.

2. The case of the Complainant is that the Opposite Party No.2 to 4 had obtained service on the basis of false certificates. Initially, First Information Report was instituted which ended in Final Report. Thereafter, a Protest-cum-Complaint Petition was filed in which cognizance was taken but as against that the accused persons

went in revision which matter was remanded for further hearing. The Magistrate then took cognizance. The accused persons again went before the Revisional Court which set aside the order of cognizance.

3. The Petitioner submits that the Magistrate after holding an enquiry was of the view that cognizable offences are made out against the Opposite Parties and the order was fit to be sustained whereafter the Revisional Court should not have gone into the facts of the case to set aside the order of cognizance.

4. Counsel for the Opposite Party Nos.2 to 4 submits that the police after due investigation in a case like this submitted Final Report which should be authentic and the oral allegations of the Complainant which has no basis or substance should not be relied.

5. I am inclined to agree with the submission raised on behalf of the Opposite Party Nos.2 to 4.

6. Hence, finding no merit in the application, it is dismissed.

**(Anjana Prakash, J)**

JA/-

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