

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.361 of 2014

Arising Out of PS.Case No. -599 Year- 2012 Thana -null District- PATNA

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1. Mithilesh Yadav son of Sri Guneshwar Yadav, resident of village Paridah, P.S. Hasanpur, District Samastipur, presently residing in the house of Parveen Kumar Bhagat, Mohalla and P.S. Mehndiganj, District Patna
 2. Parveen Kumar Bhagat son of Sri Ramanand Bhagat, resident of Mohalla and P.S. Mehndiganj, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ashok Kumar Bhagat son of late Baldeo Bhagat, resident of Mohalla Mehndiganj, P.S. Mehndiganj, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. V. Kr.Sinha No.1, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 14-09-2015

The Petitioners seek revision of the order dated 20.12.2013 passed by the Additional Sessions Judge XI, Patna in Criminal Revision No.599 of 2012, by which he has directed the Court of the Judicial Magistrate, 1st class, Patna City to pass fresh order with regard to Section 379 I.P.C. in Complaint case No.124 of 2010.

It has been submitted that after the Complaint was filed cognizance was taken under Sections 323 and 341 I.P.C. and after examination of the accused persons under Section 313 Cr.P.C. an application was filed that charge under Section 379 I.P.C. also be added. When the Magistrate refused, Opposite Party No.2 went in

revision, which revision was allowed and the same is assailed here. It has been submitted that on going through the facts of the Complaint case no such offence is made out and the Revisional Court should not have delayed the disposal of the trial on this issue.

Notices had been issued to the Opposite Party No.2 but none appears on his behalf.

Having considered the facts of the case, I would be inclined to hold that the Revisional order was unmindful of the facts of the case and should not have been intervened on merits. Hence, the application is allowed and the order dated 20.12.2013 passed by the Additional Sessions Judge XI, Patna in Criminal Revision No.599 of 2012 is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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