

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.685 of 2013

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1. Shyam Kumar Bhagat S/O Rajendra Bhagat Resident Of Village- Birpur,
P.S.- Birpur, District- Supaul.
2. Ritesh Kumar Bhagat S/O Yogendra Bhagat Resident Of Village- Birpur,
P.S.- Birpur, District- Supaul.
3. Pradeep Kumar Bhagat S/O Sonelal Bhagat Resident Of Village- Birpur,
P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kamal Deo Mishra S/O Hari Prasad Mishra Resident Of Village- Birpur,
P.S.- Birpur, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr.Adv.
Mrs. Mina Singh
For the State : Mr. R.B.Roy 'Raman' , A.P.P.
For the Opp. Party : Mr. Sanjiv Verma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

10 03-04-2015 The petitioner seeks revision of the order dated 04.07.2012 passed by learned Adhoc Additional Sessions Judge-II, Supaul, in Cr. Revision No. 62/2010 / Cr.Rev. No. 2/2011 by which he has set aside the order dated 31.03.2010 passed by Judicial Magistrate, 1st Class, Birpur, in G.R.No. 448/1996 arising out of Birpur P.S.Case No. 95/1996 by which the court below had issued summons to the petitioners. The petitioners have filed revision on the ground that without hearing the petitioners, the revisional order for summoning the petitioners under Section 319 Cr.P.C. has been passed. Certainly such procedure is not

permitted in law. Moreover the revisional court should not have over-ridden the order of the trial court, which was of the opinion that the petitioners be not summoned. Hence the application is allowed and the order dated 04.07.2012 passed by learned Adhoc Additional Sessions Judge-II, Supaul in Cr. Revision No. 62/2010 / Cr.Rev. No. 2/2011 is set aside.

The trial court is directed to conclude the trial within a period of three months from the date of receipt/ production of a copy of this order.

(Anjana Prakash, J)

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