

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 861 of 2013

Arising out of P.S. Case No. -null Year- null Thana -null
District- DARBHANGA

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The State of Bihar.

.... Petitioner/s

Versus

Jageshwar Sah @ Fukan Sah Son of Late Mushar Sah R/o Village-
Gansaghat P.S. Sadar, District Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Sinha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 20-04-2015

The Petitioner who is the Informant seeks revision of the order dated 04.06.2012 by which Ad hoc Additional Sessions Judge-I, Darbhanga has discharged the Opposite Party in S.T. No. 462 of 2010 even though there was enough material against the Opposite Party.

It has been submitted on behalf of the Petitioner that in the First Information Report by way of dying declaration the deceased had named Opposite Party as one of the perpetrators of the crime. Initially, a charge-sheet was submitted against the Opposite Party. However, a second charge-sheet was submitted exonerating him. In the meanwhile, the Court proceeded against him and at the stage of discharge taking this plea he filed an application for discharge which was allowed by the impugned order.

On the last occasion, notices had been issued to the Opposite Party in the limitation petition as well as in the revision application but despite service of notice he has chosen not to appear before this Court.

Having gone through the records of the case, I am inclined to hold that the impugned order is unjustified and deserves to be set aside.

Hence, the order dated 04.06.2012 by which Ad hoc Additional Sessions Judge-I, Darbhanga has discharged the Opposite Party in S.T. No. 462 of 2010 is quashed.

The Application stands allowed.

The Trial Court is directed to take all stringent steps for ensuring attendance of the Opposite Party and proceed in accordance with law.

(Anjana Prakash, J.)

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