



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.319 of 2016

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Bachha Sah, son of Late Raghunath Sah, resident of Village- Maiki, P.S.-
Garkha, District- Saran.

..... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Saran at Chapra.

..... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Udit Narayan Singh, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 21-11-2016 The petitioner is aggrieved by an order dated 14.08.2015 passed by learned 9th Additional Sessions Judge, Saran at Chapra in Sessions Trial No. 140 of 2015/427 of 2015 which arises out of Garkha P.S. Case No. 158 of 2015 (G.R. No. 3991 of 2015), with particular reference to its paragraph No. 17. The petitioner is aggrieved by the portion of the order whereby the learned Additional Sessions Judge has asked the Collector, Saran at Chapra to proceed against the petitioner for prosecuting him for offence punishable under Section 212 of the Indian Penal Code.

The petitioner is a Chowkidar, on the basis of whose statement, the said First Information Report was registered. It



appears that at the trial, he adduced evidence, which was found to be contrary to the contents of the First Information Report. Accordingly, in that background, the said order has been passed. The evidence so adduced by the petitioner at the trial has weakened the case of the prosecution against the person, who was made accused in the First Information Report registered on the basis statement of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under Section 212 of the Indian Penal Code is made out and, therefore, the impugned order is not sustainable. He has secondly submitted that the Collector, Saran at Chapra, is proceeding on the basis of the impugned order by initiating a departmental proceeding against the petitioner without giving him any notice.

I do not find any merit in this submission since there is no substance in the submission that no offence under Section 212 of the Indian Penal Code is made out at all. Further, the petitioner cannot have any grievance against initiation of departmental proceeding by the Collector, Saran at Chapra in the present criminal revision application filed under Section 397 of the Code

of Criminal Procedure.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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