

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16506 of 2016

Arising Out of PS.Case No. -184 Year- 2014 Thana -MAIRWA District- SIWAN

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Kedar Turha, S/o Nagina Turha, Resident of Village-
Miskarhi Mathiya, P.S.- Mairwa, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deo Narayan Prasad

For the Opposite Party/s : Mr. A.L. Pandit (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 01-12-2016 Heard the parties.

The petitioner is the informant of Mairwa P.S.
Case No. 184 of 2014. He is aggrieved by an order, dated
05.08.2015, passed by learned Judicial Magistrate, Ist Class,
Siwan, whereby, he has declined to issue summons against
the main accused of the said case.

It is the grievance of the petitioner that the said
order, dated 05.08.2015, has been passed without taking
cogent and relevant material collected in course of
investigation.



It, however, appears that the petitioner had filed a writ petition, bearing Cr. W.J.C. No. 572 of 2016, seeking a direction for taking appropriate action against the same accused persons. The said writ application has been disposed of *vide* judgment and order, dated 04.08.2016, passed by this Court with the following observations:-

"35. In view of the above, it is hereby, in the interest of justice, directed that learned Chief Judicial Magistrate shall, upon receipt of the police report, submitted under Section 173(2)(i) of the Code of Criminal Procedure, issue notice to the informant (i.e., the petitioner herein) giving him opportunity to have his say in the matter and, then, pass appropriate order(s) in accordance with law. Learned Magistrate may also, if so warranted by the materials contained in the case diary, direct further investigation so that no miscarriage of justice takes place.

36. However, if the learned Chief Judicial Magistrate has upon taking cognizance, already committed the case to the Sessions Judge, then, the learned trial Court shall pass necessary order(s) in accordance with law in the light of the observations made and the directions given hereinabove."



In the light of the said judgment and order, dated 04.08.2016, passed by this Court, in Cr.W.J.C. No. 572 of 2016, in my view, this application has become infructuous and is, accordingly, disposed of.

It goes without saying that the petitioner shall have the liberty to question any decision of the court below, if, according to the petitioner, the order(s) is not in conformity with the directions issued by this Court in Cr. W.J.C. No. 572 of 2016.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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