

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27612 of 2014

Arising Out of PS.Case No. -690 Year- 2013 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

- =====
1. Sunil Mahto Son of Chandradeep Mahto
 2. Pramila Devi Wife of Sunil Mahto
 3. Sugandha Devi @ Sonti
 4. Soli Kumari @ Sonia Singh.
Both daughters of Sunil Mahto
 5. Ajay Mahto Son of Chandradeep Mahto
 6. Sushant Kumar Son of Sunil Mahto
 7. Pooja Kumari daughter of Ajay Mahto
 8. Chandradeep Mahto Son of Late Sakarith Singh.

All residnet of village- Jamunipur, P.S.- Piroo, District- Bhojpur At
Present residence of village- Hasanbazar, P.S.- Hasanbazar (Piroo) District-
Bhojpur

.... Petitioners

Versus

1. The State of Bihar
2. Kusum Devi Wife of Rajendra Chaudhary, residnet of village-
Hasanbazar, P.O. and P.S.- Hasanbazar (Piroo), District- Bhojpur

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Aditya Narayan Singh-1, Advocate.
Mr. Ritesh Nr. Kumar Singh, Advocate.

For the Opposite Party No.

2 : Mr. Ranejdra Nath Sinha, Advocate.

For the State : Mr. Binod Kumar No. 2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

4 26-04-2016 Heard learned counsel for the petitioner and learned

counsel for the opposite party no. 2 as well as learned counsel for

the State.

2. A petition has been filed for quashing the order dated

28.02.2014 passed by Sri B.B. Singh, Ad-hoc Additional Sessions

Judge, 7th Arrah, Bhojpur in Criminal Revision No. 06 of 2014 by

which he had set aside the order dated 04.12.2013 passed by Sri Punit Malviya, Judicial Magistrate, Arrah, in Complaint Case No. 690 (C) of 2013 (Tr. No. 5343 of 2013) by which process has been issued against three accused persons after considering the Solemn Affirmation of the complainant and statement of witnesses.

3. The complainant filed a complaint petition alleging that the accused Sunil Mahto filed a case in which all the accused persons were named accused in the complainant but learned Magistrate after taking cognizance issued notice under Section 204 of Cr.P.C. only against three accused persons, but not against other the other five named accused persons in the complaint. So a revision was filed before the learned Additional Sessions Judge against the order of the Magistrate issuing processes only against three accused persons in Complaint Case No. 690 (C) of 2013. The learned Additional Sessions Judge after hearing the parties set aside the order taking cognizance against three accused persons and directed the learned trial court to hear the matter further and passed an appropriate order in accordance with law.

4. Learned counsel for the opposite party no. 2 however opposed the submission of the petitioners.

5. Having regard to the fact, impugned order passed by the learned Additional Sessions Judge without giving notice or

even without hearing the petitioners set aside the order of learned Judicial Magistrate with observation opposite party no. 2, if aggrieved, with the order may raise issue after adding the rest petitioners as parties.

6. As a result the petition is allowed.

(Gopal Prasad, J)

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