

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.660 of 2016

Arising Out of PS.Case No. -559 Year- 2912 Thana -Town District- KATIHAR

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Manoj Kumar Gupta, Son of Sri Ashok Kumar Gupta, Resident of Ward No. 5,
Mirchaibari, P.S. Katihar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar and others, through the D.G.P. Bihar, Patna.
2. Meera Sahu, W/o Shanker Prasad Sahu
3. Shanker Prasad Sahu, S/o Late Ramswroop Prasad Sahu, both resident of
Mohalla- Ward No. 5, P.S and District Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Advocate.

For the Respondent/s : Mr. N.K. Singh, A.C. to G.P. 26

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 23-09-2016

Heard learned counsel for the parties.

2. The petitioner is aggrieved against an order passed
by the learned Judicial Magistrate, 1st Class, Katihar in Complaint
Case No. C.A. 736/2013 on 8th of August, 2014 and by the learned
Sessions Judge, Katihar on 4th of December, 2014 in Cr. Rev. No.
117 of 2014 whereby, Accused No. 2 was not summoned for facing

trial in a complaint filed by the present petitioner.

3. It may be noticed that earlier petitioner filed Cr. Misc. No. 966 of 2015 before this Court which was dismissed on 17th of December, 2015. The order of the Court reads as under:-

“By way of the present application under section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”), the petitioner seeks quashing of the order dated 4.12.2014 passed by the learned Sessions Judge, Katihar, in Criminal Revision No.117 of 2014 whereby the order of the learned Judicial Magistrate, 1st Class, Katihar, dated 8.8.2014 passed in Complaint Case No. C.A. 736 of 2013, has been affirmed.

Though the present application has been filed under section 482 of the Cr.P.C., the same is in the form of second revision which is barred under section 397(3) of the Cr.P.C. Even otherwise, there is no apparent illegality in the impugned order passed by the revisional court.

Accordingly, the application, being devoid of any merit, is hereby dismissed.”

3. Once the order passed by the Magistrate and the Sessions Judge has not been interfered with by a coordinate Bench of this Court, then this Court will not exercise the jurisdiction which has effect of touching the order passed in the coordinate jurisdiction.

4. Still further, the learned trial court has passed order of summoning Respondent No. 3 and not Respondent No. 2. Mere fact that Respondent No. 2 who is wife of the accused has not been

summoned, is not a ground to invoke the writ jurisdiction of this Court.

5. The writ application is, thus, dismissed.

(Hemant Gupta, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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