

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2913 of 2014

Arising Out of PS.Case No. -32 Year- 2009 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Waism Ahmad @ Wasim Ansari S/O Late Mustakim Ahmad Resident of Mohalla-
Mogalpura, P.S.- Patna City, District- Patna-8, at present resided at Mohalla-
Bagbhai Khan, P.S.- Sasaram Town, District- Rohtas

.... Petitioner/s

Versus

1. The Estate Of Bihar
2. Mozahid Ahmad Khan S/O Zamil Ahmad Khan Resident Of Mohalla-
Kabirganj, P.S.- Sasaram Town, District- Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. A. Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 16-11-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. Notices were issued to opposite party no.2, but
as he was not present, notice was affixed on the wall of his
house. By order dated 05.02.2015, it was directed that the matter
be heard without appearance of opposite party no.2.

3. In pursuance to the order dated 07.02.2014
passed in the present case, clear carbon copy of the case diary in
connection with Sasaram Town P.S. Case No. 32 of 2009 has
been received.

4. This application has been filed under Section



482 of the Code of Criminal Procedure for quashing of the order dated 01.08.2009 passed by the learned Chief Judicial Magistrate, Rohtas at Sasaram in G.R. No. 100 of 2009, arising out of Sasaram Town P.S. Case No. 32 of 2009 whereby processes were directed to be issued after cognizance was taken for the offences punishable under Section 323 of the Indian Penal Code. Prayer has also been made to quash the order dated 22.11.2013 passed in Cr. Revision No. 154 of 2010 by learned Ad hoc Additional Sessions Judge IV, Rohtas at Sasaram whereby the order of the learned Chief Judicial Magistrate dated 01.08.2009 has been affirmed.

5. It has been submitted by the learned counsel for the petitioner that there is specific accusation against the son of the petitioner and the petitioner was not even present on the date of occurrence. He submits that the witnesses had also not found the petitioner at the place of occurrence.

6. From perusal of case diary, it appears that the witnesses have supported the prosecution case. The learned Chief Judicial Magistrate has looked into the police report and case diary, and found a prima facie case to be made out. Even otherwise second revision is barred by law in view of Section 397 (3) of the Code of Criminal Procedure.

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

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.11.2016
Transmission Date	19.11.2016