

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.103 of 2015

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1. Raj Kumar Paswan Son of Arjun Paswan.
2. Arjun Paswan Son of Late Ramroop Paswan Both are residents of village Masuma,
Police Station - Sarmera, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shanti Devi wife of Rajendra Das resident of village Masuma, Police Station -
Sarmera, District - Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv
For the Respondent/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 06-03-2017

The petitioners are aggrieved by order dated 18.11.2014 passed in Sessions Trial No. 47 of 2013, whereby the learned Additional District & Sessions Judge, Nalanda at Biharsharif has rejected the application filed by the petitioner under Section 228 of the Code of Criminal Procedure, 1973. It is the case of the petitioner that though no case under Section 307 of the Indian Penal Code is made out on the basis of the materials available on record, the case has been committed to the court of Sessions for trial. Accordingly, the petitioners had filed application under Section 228 of the Code of Criminal Procedure for transfer of the case to the court of learned Chief Judicial Magistrate, Nalanda at Biharsharif, since



other offences of which cognizance had been taken were triable by the Magistrate.

I have perused the impugned order, from which it appears that there is an allegation of causing injury on the vital parts of the body. Learned counsel for the petitioner has submitted that the injuries have been found to be simple in nature. However on the basis of such submission, it is very difficult to hold at this stage that no offence under Section 307 of the Indian Penal Code is made out and on that ground the order passed by the court below which is impugned in the present application should be interfered with.

This application in my view cannot be allowed. It is however, observed that the petitioners shall be at liberty to raise the points which they have taken in the present application at the stage of trial, if so, advised.

This application stands disposed of with observation as above.

(Chakradhari Sharan Singh, J)

Ranjan/-

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