

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1105 of 2014

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1. Azimussan Ali @ Azimushshan Ali son of Sri Tauheed Akhtar resident of Mohalla -
Sadar Gali, P.S. Khajeklan, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv, Mr. Amit Kumar, Adv,
Mr. Pravin Kumar, Adv & Mr. Malay Kumar
Choudhary, Adv

For the State : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 02-03-2017

The petitioner is aggrieved by order dated 27.11.2014, passed by learned Additional Sessions Judge-VIIIth, Patna in Sessions Trial No. 681 of 2014 arising out of Pirbahore P.S. Case No. 356 of 2013, whereby he has rejected the application filed by the petitioner under Section 227 of the Code of Criminal Procedure, 1973(hereinafter referred to as the Code) for his discharge. The petitioner is accused of commission of offence punishable under Section 376 and 511 of the Indian Penal Code as made out. Mr. Thakur, learned counsel for the petitioner has submitted that even according to the case of prosecution, the petitioner and the prosecutrix were intimate friends and they wanted to marry each other. The



circumstance and manner in which the occurrence has been described to have taken place does not constitute any offence under Section 376 read with Section 511 of the Indian Penal Code, he contends. He has, accordingly, submitted that the impugned order refusing to allow the petitioner's application under Section 227 of the Code is bad and requires interference.

I have perused the impugned order and the FIR from which it appears that the prosecutrix has alleged the petitioner that he wanted to make illicit relationship with her without her consent and against her will by use of force which was protested by the petitioner, during which the petitioner and prosecutrix both sustained injuries. No case for discharge of the petitioner under Section 227 of the Cr.P.C is there made out.

I do not find any error in the impugned order, whereby, the petitioner's application under Section 227 of the Cr.P.C., has been rejected.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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