

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.48663 of 2014**

Arising Out of PS.Case No. -360 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-  
MADHUBANI

=====

1. Sita Devi wife of Late Hare Ram Mahto resident of village - Parmeshra, P.S. Lakhnaur, District - Madhubani

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Brahama Nand Singh son of Khushilal Singh
3. Deo Chandra Prasad son of Brahama Nand Singh
4. Sudama Devi wife of Brahama Nand Singh
5. Bharguni Kumari daughter of Brahama Nand Singh

All resident of village - Parmeshra, P.S. Lakhnaur, District - Madhubani

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ram Narayan Mahto

For the Opposite Party/s : Mr. Ram Naresh Roy, APP

=====

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 31-10-2017**

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 05.08.2014 passed by the learned Sessions Judge, Madhubani in Criminal Revision No. 221 of 2014 and also to quash the order dated 25.02.2014 passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Jhanjharpur in Complaint Case No. 360 of 2013 whereunder the learned Magistrate took cognizance only against two accuseds out of four.

2. Heard the learned counsel for the petitioner and the learned APP for the State.

3. The petitioner filed Complaint Case No. 360 of 2013 on the file of the learned A.C.J.M, Jhanjharpur alleging inter alia that



altogether four accused persons went over her land and removed the soil and on protest, they thrashed the complainant and also dragged her after entering into her house. They also took away a box and snatched gold chain from her possession. The court below after enquiry took cognizance against two persons only for the offence under Sections 448, 323 and 379 of the Indian Penal Code. The other two accused against whom the court below refused to take cognizance are wife and daughter of the Opposite Party No. 2. The allegation against the female accused appears omnibus. The petitioner filed Criminal Revision No. 221 of 2014 before Session Judge, Madhubani. The learned Session Judge after hearing dismissed the revision. The learned Sessions Judge as discussed the materials available on record and found no merit in interfering the impugned order under revisional jurisdiction. I also do not find any illegality in the impugned order requiring any interference under inherent jurisdiction under Section 482 of the Cr.P.C.

4. In view of above facts, I do not find any merit in this application. The application is accordingly dismissed.

**(Sanjay Kumar, J)**

ajay gupta/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 02.11.2017 |
| Transmission Date | 02.11.2017 |

