

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26054 of 2014

Arising Out of PS.Case No. -268 Year- 2008 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Lilawati Devi Wife of Vijay Shankar Choudhary Resident of Village : Malah
Toli, P.S. Buxar (Town), District : Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kamlesh Malah, son of Ram Kishun Malah.
3.Meena Devi, w/o Ram Kishun Malah.
4.Gyatri Devi w/o Ramjee Choudhary.
5.Radhika Devi, d/o Ramjee Choudhary.
6.Lalita Kumar, s/o Ramjee Choudhary.
7.Bhagmani Devi w/o Gopal Choudhary.
All resident of Malah Toli, P.S. Buxar(Town), District Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv
For the State : Ms. Sahin Begum, APP
For the O.P. Nos. 4567 : Mr. R.N. Mattu, Adv
For the O.P. No. 2 : Mr. S.K. Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 05-07-2017

Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the Opposite Party
Nos. 2 to 7.

The present petition under Section 482 of the Cr.P.C is



directed against the order dated 27.04.2011, passed by the learned A.D.J., F.T.C.-I, Buxar in Criminal Revision No. 248 of 2010.

The complainant-petitioner has filed a complaint before the Judicial Magistrate, 1st Class, Buxar in which nine persons were made accused for the offences punishable under Sections 323, 337, 354 and 452 of the Indian Penal Code.

After examining the complainant and other witnesses produced by the complainant, the Court of Judicial Magistrate, 1st Class, took cognizance against three persons namely, Ramjee Choudhary, Gopal Choudhary and Chandrama Choudhary named in the accused column of complaint petition for the offences punishable under Sections 448, 342, 323 read with Section 34 of the Indian Penal Code and issued summons for their appearance. However, nine persons were arrayed as accused. The court of Judicial Magistrate, 1st Class, Buxar do not find any prima facie case against them and did not took cognizance against them. Against the order of dismissal of the learned Judicial Magistrate, 1st Class, Buxar the complainant-opposite party filed Criminal Revision No. 248 of 2010 in the court of District Judge, Buxar and the said Criminal Revision Petition was heard by Additional District Judge, F.T.C-1, Buxar and by order dated 27.04.2011 the criminal revision was dismissed, against which the complainant-petitioner has filed the present application under



Section 482 of the Code of Criminal Procedure. The courts below have examined the case of complainant-petitioner and on the basis of materials available on record proceeded against three accused persons out of nine persons. The order passed by the Judicial Magistrate, 1st Class, Buxar was examined by the revisional court and the revisional court also examined the complaint petition and materials available on record and did not find any illegality or infirmity in the order passed by the Judicial Magistrate, 1st Class and dismissed the revision petition.

After hearing learned counsel for the parties and going through the order passed by the revisional court as well as the order passed by the Judicial Magistrate, 1st Class, Buxar, I do not find any error in the impugned order. As such the present petition filed under Section 482 of the Cr.P.C is , hereby, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.07.17
Transmission Date	10.07.17

