

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.534 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- KISANGANJ

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Md. Suleman @ Suleman @ Sulman, son of Late Sagiruddin, resident of village Sahapur Istamarar, Police Station Kochadhaman, District Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Mahboob Alam, son of Afjal Husain, resident of village Sahapur Istamarar, Police Station Kochadhaman, District Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the State : Mr. Raj Ballabh Singh
For Respondent No. 2 : Mr. Radha Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date : 17-01-2017

Heard learned Counsel for the petitioner, learned Additional Public Prosecutor representing the State and learned Counsel appearing on behalf of respondent no. 2.

2. The petitioner is aggrieved by an order, dated 20.02.2016, passed, by the learned Additional Sessions Judge II, Kishanganj, in Criminal Revision No. 378 of 2012, whereby he has allowed the revision application filed by respondent no. 2 against the order, dated 07.09.2012, passed by the learned Chief Judicial Magistrate, Kishanganj, in Protest -cum- Complaint case, being Complaint Case No. C/1260 of 2010.

3. By the said order, dated 07.09.2012, the



learned Chief Judicial Magistrate, Kishanganj, had rejected the said complaint –cum- protest petition filed by respondent no. 2 under Section 203 of the Code of Criminal Procedure, 1973, after taking into account the materials before him.

4. The petitioner was made an accused in the said Complaint Case No. C/1260 of 2010 and apparently the said order, dated 07.09.2012, passed by the learned Chief Judicial Magistrate, Kishanganj, was in his favour.

5. The specific contention of the petitioner that he was not noticed in Criminal Revision No. 378 of 2012, filed against the said order, dated 07.09.2012, remains unrebutted.

6. Considering the above, the impugned order, dated 20.02.2016, passed by the learned Additional Sessions Judge II, Kishanganj, in Criminal Revision No. 378 of 2012, is set aside. The matter is remitted to the learned Additional Sessions Judge II, Kishanganj, to decide Criminal Revision No. 378 of 2012 afresh after giving notice to the petitioner.

7. This application is allowed accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.01.2017
Transmission Date	18.01.2017

