

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

**Criminal Miscellaneous No.41087 of 2013**

Arising Out of PS.Case No. -586 Year- 2009 Thana -SARAN COMPLAINT CASE District-SARAN

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1. Dewat Lal Singh Son Of Rangnath Singh Resident Of Mohallah - Dahiwantola,  
P.S. - Chapra Muffassil, District - Saran At Chapra (Bihar)

.... .... Petitioner/s

Versus

1. The State Of Bihar  
2. Ravindra Singh Son Of Ram Naresh Singh Resident Of Dahiyawan Ram Raj  
Chouk, P.S. - Chapra Town, District - Saran At Chapra (Bihar)  
3. Vijay Singh Son Of Ram Naresh Singh Resident Of Dahiyawan Ram Raj Chouk,  
P.S. - Chapra Town, District - Saran At Chapra (Bihar)  
4. Anil Singh Son Of Ram Naresh Singh Resident Of Dahiyawan Ram Raj Chouk,  
P.S. - Chapra Town, District - Saran At Chapra (Bihar)

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

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**Appearance :**

|                          |   |                                                                  |
|--------------------------|---|------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Md. Amir Akhtar<br>Mr. Arif Danis Siddiqui<br>Mr. Asif Karim |
| For the Opposite Party/s | : | Mr. Mukesh Kumar Singh                                           |

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**C.A.V. JUDGMENT**

**Date: 20-06-2017**

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the order dated 03.08.2013 passed in Cr. Revision No. 155 of 2013 by Sessions Judge, Saran at Chapra against the order dated 03.04.2013 passed in Enquiry No. 10 of 2013 arising out of Complaint Case No. 586 of 2009 by Sri Anchal Dwivedi, Judicial Magistrate, 1<sup>st</sup> Class, Saran at



Chapra.

The contention of the learned counsel for the petitioner is that the order passed by the Magistrate is not a reasoned order. Three witnesses were examined who all supported the prosecution case. It is further contended that learned Sessions Judge, without entering into the merits of the case, has confirmed the order of the learned Magistrate. It is also contended that Section 203 of the Code of Criminal Procedure clearly stated that the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case, he shall briefly record his reasons for so doing.

Learned counsel appearing for the opposite parties has relied upon judgments reported in A.I.R. 2001 2960, 2002 (1) PLJR 247 and 2001(3) PLJR 613. Learned counsel has also filed a written argument to the effect that the Magistrate concerned who dismissed the complaint has been dismissed from service.

From perusal of the material on record and looking into the facts of the case at this stage, it is evident that the order passed by the Magistrate is a reasoned order as it mentions that he found the version of the complainant absurd and also found the case as false and concocted and accordingly, he dismissed the complaint petition. Revisional Court also did not find any illegality, irregularity or



impropriety in the order dated 03.04.2013 passed by the Magistrate.  
There does not appear any illegality or irregularity in both the  
impugned orders making it liable to be quashed. The prayer for  
quashing the same is refused.

The application accordingly stands dismissed.

**(Arvind Srivastava, J)**

Manish/-

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| AFR/NAFR          | NAFR       |
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