

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42814 of 2014

Arising Out of PS.Case No. -54 Year- 2006 Thana -GARKHA District- SARAN

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Ranjit Kumar Singh @ Laddu Singh, Son of late Vimal Singh, Resident of Village -
Pithaghat, P.S.- Rarkha, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Prakash Singh, Son of Late Chandradeep Singh, Resident of Village -
Pithaghat, P.S.- Garkha, District - Saran Chapra

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 20-11-2017

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

2. The petitioner seeks quashing of order dated
25.06.2014 passed by the Judicial Magistrate, 1st Class, Chapra in Tr.
No. 59 of 2014 whereby he has altered the charge against the
petitioner from Section 354 of I.P.C. to Sections 376 and 511 of I.P.C.

3. Learned counsel for the petitioner submits that earlier
the Magistrate framed charge under Section 354 of I.P.C. but by
impugned order dated 25.06.2014, altered the charge under Sections
376 and 511 of I.P.C. on the same material, so this order is not
sustainable.

4. Allegation in brief is that while the prosecutrix went to



attend call of nature in the field of Arhar crops, finding her alone accused went there, pressed her mouth and tried to make sexual contact with her but due to protest, he could not succeed.

5. It appears that persecution filed revision application No. 146 of 2010 before the Sessions Court against order dated 17.02.2010 passed by the trial court for framing charge under Section 354 of I.P.C., as the police has submitted charge sheet under the aforesaid section after investigation however Sessions Court allowed the revision application filed by informant allowed by order dated 29.03.2011 setting aside order of framing of charge under Section 354 of I.P.C. and directed to pass a fresh order thereafter the petitioner has not challenged the aforesaid order dated 29.03.2011 passed in revision application, wherein the revisional court has held, a *prima facie* case made out under Sections 376 and 511 of the I.P.C. and directed the trial court to pass afresh order. Even in case of a strong suspicious charge is to be framed, so there is no any ground for interfering with the impugned order.

Accordingly, this application stands dismissed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
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