

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40956 of 2014

Arising Out of PS.Case No. -140 Year- 2011 Thana -KURSAKANTA District- ARRARIA

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Balchand Yadav S/o Late Deendayal Yadav, Resident of Village- Chikni, P.S.-
Kursakanta, District- Araria

.... Petitioner

Versus

1. The State of Bihar

2. Raydayal Sharma S/o Late Budhan Sharma resident of Village- Banuchhapar,
P.S. Mufasil Betia, P.S. Betiya District- West Champaran At present:- Block
Education Officer Kursakanta, P.S. Kursakanta, District- Araria

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the petitioner and learned A.P.P.
representing the State.

2. The petitioner is seeking quashing of the order dated
30.08.2014 passed by the learned Sessions Judge, Purnea in Cr.
Revision No. 284/2014 by which the learned Sessions Judge has
dismissed the revision application preferred against the order taking
cognizance dated 18.09.2013 passed in Kursakanta P.S. Case No.
140/2011, corresponding to G.R. No. 2569/2011, by the learned Chief



Judicial Magistrate, Araria.

3. Learned counsel for the petitioner submits that so far as the present petitioner is concerned, police submitted final form not sending him for trial but the learned Magistrate took cognizance and differing with the police report issued summons against all the accused including the present petitioner. He further submits that on perusal of the order passed by the learned Magistrate in Cr. Revision No. 284/2014 it would appear that the revision was directed against the order dated 18.09.2013 passed by the learned Chief Judicial Magistrate, Araria which has been upheld by the learned Sessions Judge. Learned counsel would, however, point out that in the latter part of his order dated 30.08.2014, the learned Sessions Judge has proceeded to consider as if it is a case arising out of an order for framing of charge which is not correct. The petitioner had not moved the revisional court against the order framing charge, therefore, this part of the order need to be clearly understood, limited to the context in which the present revision application was filed.

4. Learned counsel, however, is unable to point out any perversity in the revisional order dated 30.08.2014 passed by the learned Magistrate, therefore, this Court is not inclined to interfere with the order taking cognizance as well as the revisional order dated 30.08.2014.



5. It is made clear that the petitioner, if aggrieved by an independent order framing charge against him, shall be at liberty to challenge the same, if not already challenged, in accordance with law.

7. The application stands disposed of with the observations stated here-in-above.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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