

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.264 of 2017

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Manoj Kumar @ Manoj Kumar Rai son of Late Lakhraj Rai, resident of village –Chhota Jhauwa, PO-Bara Jhauwa, PS-Awatar Nagar, District-Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dineshwar Mahto son of Jagar Nath Mahto, resident of village – Bargahi, PO-Gaj Raj Ganj, PS-Udvant Nagar, District-Bhojpur.
3. Bal Chand Singh, son of Shiv Nath Singh, resident of village –Itava, PO. –Doghra, PS-Bihta, District-Patna
4. Abhishek Kumar, son of Late Ashok Kumar Singh, S.O.B. 16 No. Bangla, Dalmia Nagar, PO-Dihri Dalmia Nagar, District-Rohtas (Sasaram).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Respondent/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 18-07-2017 The petitioner filed Complaint Case No. 2381 of 2010 in the court of learned Chief Judicial Magistrate, Chapra against opposite party nos. 2, 3 and 4, alleging commission of offence punishable under sections 323, 341, 504, 394 of the Indian Penal Code and section 27 of the Arms Act.

The learned Judicial Magistrate 1st class, Chapra to whom the case was transferred, has taken cognizance of offence punishable under sections 323, 341, 504/34 of the Indian Penal Code only and has refused to take cognizance of offence punishable under section 394 of the Indian Penal Code and section 27 of the Arms Act, by impugned order dated 12.10.2011.

The petitioner is aggrieved by the said order 12.10.2011.



It has been submitted on behalf of the petitioner that though on the basis of materials on record, i.e., a complaint petition, and the statement of the complainant on solemn affirmation, offence under section 394 of the Indian Penal Code and section 27 of the Arms Act, is made out, the learned Court below has refused to take cognizance of the said offence.

I do not feel inclined to interfere with the order impugned for two reasons. Firstly, I do not find any illegality of such nature in the order, which would require interference by this Court in revisional jurisdiction. Secondly, the order was passed on 12.10.2011 and this application has been filed on 1.3.2017, thus, nearly five years and six months after the passing of the order.

A limitation petition has been filed for condoning the delay *vide* I.A. No. 697 of 2017, which is merit less, having no plausible explanation for delay. To me it appears that the filing of application is a frivolous exercise.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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