

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36385 of 2013

Arising Out of PS.Case No. -57 Year- 2010 Thana -MAUZAHDIPUR District- BHAGALPUR

Vikash Kumar Singh @ Bikash Pd. Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mallika Mazumdar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 06-04-2017 This Criminal Miscellaneous has been filed for quashing of the order dated 25.04.2011 passed by learned Chief Judicial Magistrate, Bhagalpur whereby and whereunder Final Form No. 221 of 2010 dated 22.12.2010 in Mojahidpur P.S. Case No. 57 of 2010 has been accepted and also for quashing the order dated 21.09.2012 passed by District Judge, Bhagalpur in Criminal Revision No. 300 of 2012, by which the order dated 25.04.2011 has been confirmed by dismissing the aforesaid Criminal Revision. The petitioner has lodged Mojahidpur P.S. Case No. 57 of 2010 wherein after completing investigation the police submitted Final Form and after serving the notice to the informant through his changed address of Katihar and after giving opportunity of hearing to the petitioner (informant) the order dated 24.05.2011 was passed by the learned Chief Judicial Magistrate,



Bhagalpur whereby and whereunder he accepted the Final Form and has ordered to deposit the record in Record Room, against that order the petitioner filed Criminal Revision No. 300 of 2012 and the learned Sessions Judge after going through the record and noticing that the petitioner was having knowledge about submission of Final Form in the case and inspite of service of notice, he did not appear in the Court on the date fixed for opposing the submission of final form and he did not turn up and then the learned Chief Judicial magistrate has accepted the Final Form and further Criminal Revision was filed after delay of 390 days and, as such, on those grounds the learned Sessions Judge dismissed the Criminal Revision.

I have perused the impugned orders as well as the Photostat copy of certified copy of ordersheet of Mojahidpur P.S. Case No. 57 of 2010 (G.R. No. 1398 of 2010) from 26.05.2010 to 25.04.2011 on the record there is service report of service of notice upon the informant (petitioner). Notice was issued also through the Office of Executive Engineer, Katihar, but inspite of service of notice, the petitioner did not appear on the date of hearing i.e. on 25.04.2011 and then the learned Chief Judicial Magistrate has passed the order dated 25.04.2011 accepting the Final Form. The learned counsel for the petitioner is not in a



position to say that no notice was served upon the informant and, as such, the order dated 25.04.2011 was passed rightly, correctly and properly. There being no illegality, incorrectness or impropriety in the said order and, as such, there is no need for any interference in those orders.

In the result, finding no merit in this Criminal Miscellaneous, the same is hereby dismissed.

(Jitendra Mohan Sharma, J.)

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