

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.925 of 2014

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1. Reeta Devi Wife of Sri Akhilesh Singh, Daughter of Raj Kumar Singh Resident of Village-Purana Bhojpur, P.S.-Dumroan, District-Buxar. At present residing at Govindpur, P.S.-Nawa Nagar, District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Munna Singh Son of Shiv Person Singh Resident of Village-Jokahi, P.S.-Krishna Garh (Debariya), District-Bhojpur (Ara)
3. Dr. Lokesh Tiwari Son of Not Known
4. Dr. Ms. Ravi Son of Not Known At present of Jyoti Prakash Chouk, Koer Purva, Bypass Road, P.S.-Buxar Town, District-Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 13-02-2017

The petitioner is aggrieved by order dated 23.07.2014 passed by the learned Chief Judicial Magistrate, Buxar in Complaint Case No. 290(C) of 2014, whereby, complaint petition has been dismissed under Section 203 of the Cr.P.C.

It was the case of the prosecution as narrated in the complaint petition that opposite party no. 2, a distant relative of the petitioner, claiming to be the compounder of the hospital at Buxar had persuaded the petitioner to take her mother for treatment in the said hospital as she was suffering from pain in her abdomen. She was admitted in hospital of the opposite party nos. 3 and 4, whereafter the



surgical operation of uterus was advised. It is the case of the complainant that due to negligence on the part of the accused persons, the mother of the complainant died. The petitioner filed complaint case which was subsequently registered as Buxar Town P.S. Case No. 316 of 2013 under Section 156(3) of the Cr.P.C. A protest petition was also filed on behalf of the petitioner, during investigation, which was registered as complaint Case No. 290(C) of 2014. The police submitted final form on 31.10.2013 showing lack of evidence. However, on the basis of protest-cum-complaint petition filed by the petitioner, some of the witnesses were examined at the stage of inquiry. Upon consideration of materials on record the court below dismissed the complaint petition under Section 203 of the Cr.P.C.

I have perused the impugned order and other materials on record. The learned court below has referred to an opinion received from the medical board over the allegation of negligence on the part of opposite party nos. 3 and 4, in the impugned order. The Medical Board appears to have remarked that no comment would be made regarding negligence on the part of the Doctor or Surgeon in performing the surgery or in post operation surgery.

Considering the materials on record, the learned court below has dismissed the complaint petition. The reason assigned by the court below for dismissing the complaint petition are germane and



cannot be said to be unjustifiable.

I do not find any merit in this application. The impugned order does not suffer from any illegality requiring interference by this Court in criminal revision jurisdiction. The application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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