

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.660 of 2015

Arising Out of PS. Case No.-2087 Year-2012 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Sitesh Kumar Gupta @ Satish Gupta @ Sitesh Gupta Son of Ramchandra Gupta resident of Village : - Lala Ka Mahuawa, P.S. - Kateya, District - Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Lilawati Devi wife of Basant Gupta daughter of Sri Mahatam Sah Village : Dumariya, P.S. Tareya Sujan, District : - Kushi Nagar, Uttar Pradesh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Indrajeet Bhushan
For the Respondent/s	:	Mr. Ram Priya Sharan Singh, (APP)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 23-03-2018 The complaint lodged by the opposite party no. 2, the wife of the petitioner was dismissed under Section 203 by the learned Magistrate. Against the aforesaid order, the opposite party no. 2 preferred a revision petition before the learned 2nd Additional Sessions Judge, Gopalganj vide Criminal Revision No. 572 of 2013.

The revision preferred by the opposite party no. 2 was allowed and the complaint was restored. The matter was remitted to the court of the learned



Magistrate for proceeding against the petitioner.

At the time when the revisional order was passed, the revisional court was not made known that the opposite party no. 2, during the pendency of the revision had filed a police case against the petitioner with similar allegation in which charge sheet has been submitted, cognizance has been taken and even the charges have been framed.

Though no interference is required now at this stage with the revisional order, but the learned counsel for the petitioner is given the liberty to approach the court below, where the complaint of the opposite party no. 2 is pending and intimate the court that he is already facing charges in the police case lodged by the opposite party no. 2 and hence there would be no necessity of pursuing the complaint any further. As and when such a petition shall be filed by the petitioner, the court below shall take those facts into account and pass a reasoned order in accordance with law.



With the aforesaid direction/observation, the
present revision petition is dismissed.

(Ashutosh Kumar, J)

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