

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3749 of 2016

Arising Out of PS.Case No. -1791 Year- 2013 Thana -NAWADAH COMPLAINT CASE District -
NAWADA

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1. Shyam Sunder Prasad Singh Son of Late Laxami Singh resident of
village - Kahuara, P.S. Nardiganj, District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar
2. Sukhdeo Mahto Son of Kishun Mahto
3. Ajay Kumar
4. Bijay Kumar
5. Sanjay Kumar
6. Dhananjay Kumar All sons of Sukhdeo Mahto
7. Bipin Kumar Son of Rabindra Kudmar
8. Rabindra Kumar Son of Late Kshi Mahto
9. Kisor Prasad Son of Late Jago Mahto
10. Naresh Kumar Son of Late Baijnath Prasad All are residents of village
- Kahuara, P.S. Nardiganj, District - Nawada

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh

For the Opposite Party/s : Mr. Ashok Kr.Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 14-09-2018 Learned counsel for petitioner is not present.

Learned counsel for O.P. Nos. 2, 7, 9 and 10 has appeared by
filing Vakalatnama.

It is submitted that O.P. No. 8 has already died.

The present petition has been filed for quashing of
order dated 16.09.2015 passed by learned Sessions Judge, Nawada
in Cr. Rev. No. 31/2015, whereby the revisional court has
affirmed the order dated 20.04.2015 passed by Sri S.C. Kumar,



learned Judicial Magistrate 1st Class, Nawada in Complaint Case No. 1791/2013 dismissing the complaint under Section 204(4) Cr.P.C. and also quashing the aforesaid order dated 20.04.2015 passed by Sri S.C. Kumar, learned Judicial Magistrate 1st Class, Nawada in Complaint Case No. 1791/2013.

Learned counsel for Opposite Parties has submitted that the complaint petition filed by petitioner was dismissed by the court below under provision of Section 204(4) Cr.P.C. on account of non-filing of processes by the complainant (Petitioner) as directed by the learned Magistrate. The petitioner has filed Cr. Rev. No. 31/2015 before the Sessions Judge, Nawada, which was also rejected on 16.09.2015.

This Court does not find any illegality in both impugned orders, i.e. dated 16.09.2015 passed by learned Sessions Judge, Nawada in Cr. Rev. No. 31/2015 and dated 20.04.2015 passed by Sri S.C. Kumar, learned Judicial Magistrate 1st Class, Nawada in Complaint Case No. 1791/2013.

Therefore, the Cr. Misc. petition is dismissed.

(Sanjay Priya, J.)

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