

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.970 of 2017

Arising Out of PS. Case No.-898 Year-2014 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Rekha Devi @ Rekha Kumari wife of Lalan Prasad Singh,
 2. Sonu Devi @ Sonu Singh, wife of Rajesh Kumar Singh,
 3. Nargis Naina @ Nargis, wife of Ashish Anand @ Nunuji,
 4. Ashish Anand @ Nunu Ji, son of Lalan Prasad Singh, All resident of Village- Ekparha, P.S. Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Putul Devi, wife of Randhir Singh @ Randhir Prasad Singh, resident of Village- Ekparha, P.S. Gamharia, District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Respondent/s : Mr. SRI RAJBALLABH SINGH

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 16-03-2018 The opposite party no. 2 had filed a complaint before the court below vide Complaint Case No. 898 of 2014, arraigning the petitioners and one Lalan Prasad Singh as an accused. The learned Magistrate, Madhepura vide order dated 28.07.2016, after perusing the complaint petition, the solemn affirmation of the complainant and the deposition of other witnesses offered on behalf of the complainant, took cognizance against only Lalan Prasad Singh under Sections 323, 324 and 504 of the Indian Penal Code.

Aggrieved by the aforesaid order of cognizance



against only Lalan Prasad Singh under Sections 323, 324 and 504 of the IPC and not under 379 and other Sections of the IPC as well as no cognizance having been taken against other accused person, the opposite no. 2 preferred a revision before the learned Sessions Judge, Madhepura vide Cr. Rev. No. 102 of 2016.

The revisional court, taking into account the allegations levelled against the petitioners, set aside the order of cognizance referred to above and remitted the case back to the court of the learned Magistrate for writing out a fresh order in accordance with law.

Pursuant to the aforesaid order, now cognizance has been taken against the petitioners also under Sections 323, 324 and 504 of the IPC.

During the pendency of the present application, Mr. Ramakant Sharma, learned senior advocate appearing for the petitioners submits that the relationship of the parties and nature of accusation itself reveals that the order passed by the learned



Magistrate in the first instance was absolutely correct. There is a title suit pending between the parties and the petitioners are non-else but the sister-in-law, niece and other relative of the opposite party no. 2.

However, these grounds cannot be looked into in the present revision petition. The petitioners, if aggrieved by the order of the cognizance, have the liberty to approach the court for challenging the same. Once the revisional order has taken effect and the learned Magistrate has now passed an order, this revision petition perhaps would not be maintainable.

As such, the present revision petition is permitted to be withdrawn in order to enable the petitioners to approach this Court in an appropriate forum, challenging the order of cognizance.

The petition stands dismissed as withdrawn with the liberty aforesaid.

(Ashutosh Kumar, J)

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