

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37157 of 2016

Arising Out of PS.Case No. -962 Year- 2015 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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Mosmat Rajeshwari Devi @ Rajeshwari Devi wife of Late Ram Chandra Singh,
Resident of Village- Sowon, P.O- Sowon, P.S.- Krishnabraham, District- Buxar
(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shiv Bihari Singh son of Late Musafir Singh, Resident of Village- Theka, P.S.-
Krishnabraham, District- Buxar (Bihar).
3. Dhanraj Ram son of Late Ishwar Dayal Ram, Resident of Village- Sowon, P.O-
Sowon, P.S.- Krishnabraham, District- Buxar (Bihar)
4. Devendra Singh son of Ram Bikash Singh, Resident of Village- Sowon, P.O-
Sowon, P.S.- Krishnabraham, District- Buxar (Bihar)
5. Birendra Ram son of Shiv Kedar Ram. Resident of Village- Sowon, P.O- Sowon,
P.S.- Krishnabraham, District- Buxar (Bihar)
6. Akhauri Manvendra Kumar Sinha son of Late Kaushal Kumar Sinha, Resident of
Village- Churamanpur, P.S.- Buxar, District- Buxar (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the State : Mr. S.M.Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2018

Heard learned counsel for the petitioner and learned counsel
for the State.

2. The petitioner is aggrieved by the revisional order dated
01.07.2016 passed by the learned Additional Sessions Judge-IV,



Buxar in Cr. Revision No.57 of 2016 by which he has dismissed the revision petition filed by the petitioner against the order dated 22.04.2016 passed in Complaint Case No.962C of 2015 by the learned Magistrate whereby he has dismissed the complaint in exercise of powers conferred under Section 203 of the Cr.,P.C.

3. Learned counsel for the petitioner submitted that the learned Magistrate passed an erroneous order as there was sufficient materials to summon the accused to face prosecution for the offences punishable inter alia under Sections 406 and 420 of the Indian Penal Code, but erroneously he dismissed the complaint in exercise of powers conferred under Section 203 of the Cr.P.C. He submitted that the revisional court also failed to appreciate the facts and law involved in the case and dismissed the revision application holding the dispute essentially of civil nature.

4. I have heard learned counsel for the parties and perused the record.

5. I am of the opinion that the learned Magistrate has correctly appreciated the law and facts involved in the case. He has rightly held that the dispute between the parties is essentially of civil nature and the revisional court also committed no error in dismissing the revision application filed against the order passed by the learned Magistrate whereby the complaint was dismissed in exercise of



powers conferred under Section 203 of the Cr.P.C. Moreover, the instant application is in the nature of second revision, which is barred under Section 397(3) of the Cr.P.C..

6. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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