

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.45639 of 2014**

Arising Out of PS.Case No. -3367 Year- 2010 Thana -WEST CHAMPARAN COMPLAINT  
District- WESTCHAMPARAN(BETTIAH)

- =====
1. Sunita Devi, wife of Vinod Kumar Singhania
  2. Suchi Kediya @ Suchibhe Kedia, Wife of Gopal Kediya
  3. Vinod Kumar Singhaniya, son of Badri Prasad
  4. Gopal Kediya, son of Vijay Kediya
- All residents of Mohalla Lal Bazar, Back of Panchayati Mandir, Bettiah, P.S. Bettiah Town, District West Champaran.
5. Laxmi Tekriwal, wife of Manoj Tekriwal, Resident of Mohalla Janta Cinema Chauk, Bettiah, P.S. Bettiah Town, District West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Pankaj Kumar, son of Bharat Sharma, Resident of Mohalla Baswaria, Bettiah Ward No. 2, P.S. Bettiah Town, District West Champaran.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Ranjit Ranjan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL JUDGMENT**

**Date: 18-06-2018**

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 16.08.2012 passed by the learned Judicial Magistrate, Bettiah, West Champaran, by which he has found *prima facie* case against the petitioners for the offences under Sections 147, 323 and 379 of the Indian Penal Code which has been affirmed by order dated 23.08.2014 passed by the learned Additional Sessions Judge-II, Bettiah, West Champaran in Cr. Revision No. 238 of 2012.



2. Report was called for from the court below about the present status of the case which has been received. The court below has mentioned in the report that the case is pending for hearing on petition filed by the complainant under Section 311 Cr. P.C. and petition under Section 245 Cr. P.C. filed by the petitioners.

3. Notice was issued to the opposite party No. 2 which has been validly served but none appeared on behalf of the Opposite Party No. 2.

4. The counsel for the petitioners has also not appeared on repeated calls when the matter was taken up.

5. This Court finds that after holding enquiry, the learned Magistrate has found *prima facie* case against the petitioners by order dated 16.08.2012. The petitioners have challenged the aforesaid order by filing Cr. Revision No. 238 of 2012 which was dismissed by the learned Additional District & Sessions Judge-II, Bettiah, West Champaran vide order dated 23.08.2014.

6. The instant Cr. Misc. has been filed in the garb of second revision application.

7. Therefore, this Court does not find any justifiable reason to interfere in the impugned order.

8. This Criminal Miscellaneous application is accordingly dismissed.



9. The petitioners are however given liberty to raise all the points as raised in this petition at the time of framing of charge before the court below which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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| CAV DATE          | N.A.       |
| Uploading Date    | 27/06/2018 |
| Transmission Date | 27/06/2018 |

