

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10481 of 2015

Arising Out of PS. Case No.-2421 Year-2007 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Bisun Pandey @ Bishun Pandey S/o Late Ram Ayodhya Pandey Resident of
village- Khajuria, P.S. Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Brij Bihari Pandey
3. Harihar Pandey both 1 and 2 son of Late Ram Ayodhya Pandey, Resident of
village- Khajuria, P.S. Gopalganj, District- Gopalganj
4. Md. Nur Hassan S/o Sheikh Hasmullah
5. Kamil Hussain S/o Abdul Gafoor, Both resident of village- Miralipur, P.S.
and District- Gopalganj
6. Sudhir Kumar S/o Not known, in the office of Registry Kachahari,
Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Singh
For the Opposite Party/s : Mr.S.M.Rahmanapp

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-05-2019 The petitioner has filed a complaint case implicating

five persons as accused. Allegedly, the accused Nos. 1 and 2,

who were full brothers of the petitioner had executed sale deeds

in favour of Opposite party No.4 in connivance with the

identifier and the *katib*. The Court below has taken cognizance

of the offence after having perused the complaint petition and

considering the statement on solemn affirmation of the

complainant and has decided to proceed against accused Nos. 1



and 2 only and not against others. Aggrieved by the said order of the Court of taking cognizance dated 08.04.2011, the petitioner filed a revision application under Section 397 of the Code of Criminal Procedure, 1973, which came to be transferred to the file of learned Additional Sessions Judge-IV, Gopalganj and has been finally dismissed by an order dated 14.11.2014. The said order of the learned Additional Sessions Judge-IV, Gopalganj dated 14.11.2014 passed in Criminal Revision No. 254 of 2011/97 of 2014, is under challenge in the present application filed under Section 482 of the Code.

Learned counsel appearing on behalf of the petitioner has submitted that despite materials sufficient for proceeding against the other persons, the learned Judicial Magistrate wrongly decided to proceed against accused Nos. 1 and 2 only.

I have perused the order of the learned Judicial Magistrate and the order passed by the learned Additional Sessions Judge-IV, Gopalganj.

I do not find any infirmity in the two orders. In fact, it is basically a civil dispute between the petitioner and the accused Nos. 1 and 2, namely, Brij Bihari Pandey and Harihar Pandey.

I am not inclined to interfere with the orders,



exercising power under Section 482 of the Code of Criminal
Procedure.

This application has no merit and it is accordingly,
dismissed.

(Chakradhari Sharan Singh, J)

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