

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10269 of 2015

Arising Out of PS. Case No.-541 Year-2007 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Krishna Singh and Ors S/o Late Jail Singh
 2. Prabhawati Devi W/o Krishna Singh
 3. Premnath Singh S/o Krishna Singh
 4. Pappu Singh S/o Krishna Singh
 5. Prakash Singh S/o Late Narsingh Singh All Resident of Village Madhopur, P.S. Majhaulia, District West Champaran.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Shivbalak Singh S/o Late Adalat Singh Resident of Village Madhopur, P.S. Majhaulia, District West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.R.N.Jha, App

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-05-2019 Heard learned counsel for the parties.

An order passed by the learned 3rd Additional Sessions Judge, West Champaran in Criminal Revision No. 123 of 2011, arising out of Complaint case No. 541-C of 2007, whereby he has set aside an order dated 01.06.2011 passed by the learned Judicial Magistrate, First Class, Bettiah in Trial No. 1117 of 2011, is under challenge in the present application filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code'). By the said order dated 01.06.2011 the learned Judicial Magistrate First Class, Bettiah, had dismissed a petition dated 06.10.2010 filed under Section 259 of the Code on behalf of Opposite party No.2 for converting the summons case



disclosing offence punishable under Section 323 of the Indian Penal Code into warrant case as the witnesses examined after the stage of substance of accusation disclosed commission of offence under Sections 427 and 436 of the Indian Penal Code.

2. In my opinion, this Court exercising power under Section 482 of the Code is not required to interfere with the order impugned, which has been passed after taking into account the entire materials on records.

3. The impugned order does not suffer from such illegality as to warrant this Court's interference, exercising extra-ordinary power under Section 482 of the Code. Further, the petitioners shall be at liberty to take the plea which they are taking in the present application at the stage of framing of charge, if the charge has not yet been framed or at any appropriate stage of trial.

4. This application is dismissed with the aforesaid observations.

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(Chakradhari Sharan Singh, J)

