

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40436 of 2019

Arising Out of PS. Case No.-1982 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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YOGENDRA SAHANI Son of Bhuteli Sahani Resident of Village -
Panchbhirba, P.O.- Dariyapur, P.S.- Sangrampur, Dist.- East Champaran
Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Faiz Ahmad Khan Son of Late Shami Ahmad Khan Resident of Village -
Belbanwa, P.S.- Nagar, Dist.- East Champaran Motihari.
3. Shabih Ahmad Khan @ Mashoom Khan Son of Late Wazi Ahmad Resident
of Village - Belbanwa, P.S.- Nagar, Dist.- East Champaran Motihari.
4. Nazmujjama Khan @ Phool Khan Son of Late Wazi Ahmad Resident of
Village - Belbanwa, P.S.- Nagar, Dist.- East Champaran Motihari.
5. Sohail Ahamad Khan Son of Late Safi Ahmad Khan Resident of Village -
Belbanwa, P.S.- Nagar, Dist.- East Champaran Motihari.
6. Rakesh Singh Son of Not Known Resident of Village - Bariyarpur near
Chini Mill, P.S.- Chatouni, Dist.- East Champaran Motihari.
7. Arun Kumar Singh Son of Shubh Narayan Singh Resident of Village -
Agarwa, P.S.- Nagar, Dist.- East Champaran Motihari.
8. Madan Sah Son of Late Ramev Sah Resident of Village - Majuraha, P.S.-
Raghunathpur (Turkouliya), Dist.- East Champaran Motihari.
9. Anil Singh Son of Joytik Singh Resident of Village - Majuraha, P.S.-
Raghunathpur (Turkouliya), Dist.- East Champaran Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-07-2019 The petitioner/complainant has challenged the

order dated 12.10.2017 whereby protest complaint

preferred by the petitioner has been dismissed as also

the order dated 06.04.2019 whereby the revision



preferred on behalf of the petitioner vide Cri. Rev. No. 311/2017/11 of 2018 has been rejected.

It appears that the petitioner had earlier filed a case against the opposite parties vide Turkauliya (Raghunathpur) P.S. Case No. 16 of 2017 for the offences under various Sections of the Indian Penal Code which on investigation was found to be false. The aforesaid report of the police was accepted and the protest petition filed by the petitioner was taken as complaint. The learned Magistrate had accepted the complaint petition on 04.09.2017 and fixed the date for solemn affirmation on 22.09.2017. On that day the petitioner/complainant was absent and no time petition also was moved. Another chance was given on 12.10.2017 on which date also the complainant was not present. No time petition also is stated to have been filed on that date.

The complaint petition therefore was dismissed by the court below holding that the petitioner had lost



interest in the matter. The revision petition also stood dismissed because of the aforesaid reason. The petitioner is himself an advocate practicing in the Civil Court, Motihari and the since the case was not pursued, there was no justification for the matter to be kept pending by the court below.

Considering the aforestated facts, this Court is not inclined to interfere with the orders impugned in the present petition.

The petition is dismissed.

(Ashutosh Kumar, J)

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