

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.98 of 2018

Arising Out of PS. Case No.-1178 Year-2016 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Lakhindra Sah Son of Bhuneshwar Sah, Resident of Village- Pakri Kothi,
Naya Tola, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chulhai Rai Son of Hari Rai,
3. Guddu Rai Son of Dhruva Rai,
4. Shubh Narain, Son of Hanuman Rai, Opposite parties No.2 to 4 are resident of Village- Pakri Kothi, Nayatola, P.S.- Majorganj, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abdul Wadood, Advocate
For the Respondent/s : Mr. Murlidhar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date : 02-05-2019

Heard learned counsel for the parties.

2. This criminal revision is directed against the order dated 19.06.2017 passed by learned Additional Chief Judicial Magistrate-VI, Sitamarhi, in Complaint Case No. C/1178 of 2016, T.R. No.2469 of 2017.

3. Petitioner had filed Complaint Case No.C/1178 of 2016 before learned Chief Judicial Magistrate, Sitamarhi, against Opposite Party Nos.2 to 4 for the offences under Sections 323/354/452/376/511/34 of the Indian Penal Code.

4. After inquiry under Section 202 Cr.P.C. the



learned Court-below issued summons against the accused persons to face the trial under Section 379 of the Indian Penal Code only and held that no prima facie case is made out for other offences on the basis of the materials available on the record.

5. Contention is that the finding of the learned Court-below is erroneous one. Material was available for summoning the accused to face trial for the offences under Sections 323/452 and 376/511 of the Indian Penal Code.

6. Without going into the merit of the claim, it is directed that if at the stage of hearing on charge the petitioner raises such point before the Court-below, it shall pass a reasoned order, according to law, without being prejudiced by the fact that summons were not issued against the accused persons to face trial for other offences also.

7. With the aforesaid observation, this criminal revision stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2019
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