

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1328 of 2019**

Arising Out of PS. Case No.-2527 Year-2015 Thana- EAST CHAMPARAN COMPLAINT  
District- East Champaran

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Ram Chandra Sah @ Chandr Sah, S/o Late Devki Sah, R/o village- Vishunpur  
Matiarwa, P.S.- Paharpur, District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Collector of East Champaran at Motihari.
2. Circle Officer/Adhikari, Anchal Paharpur, P.S.-Paharpur, District-East Champara.
3. Mukesh Giri, Revenue Clerk/Halka Karamchari, Anchal-Paharpur, P.S.- Paharpur, Dist.-East Champaran.
4. Mukti Sharan Pandey, Head Clerk, Anchal Office- Paharpur, P.S.- Paharpur, Distt.- East Champaran.

... .. Respondents

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**Appearance :**

For the Petitioner : None

For the Respondent-State: Md. Khurshid Alam, AAG-12

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 23-09-2019**

No one appears for the petitioner.

2. Learned counsel for the State is present.

3. Perused the application preferred under Article 226  
of the Constitution of India.

4. The petitioner has prayed for directing the  
respondents to take steps against the accused persons in Trial  
no.3175 of 2019 arising out of Enquiry Case No.54 of 2016  
(Complaint Case No.2527c of 2015) pending in the court of 6<sup>th</sup>  
Additional Chief Judicial Magistrate, Motihari.



5. The case of the petitioner is that he had filed a complaint case in the court of Chief Judicial Magistrate at Motihari vide Complaint Case No.2527c of 2015 stating therein that the Circle Officer, Paharpur and his official associates assaulted him and snatched Rs.1,000/-, as he demanded the details of *jamabandi* regarding Khata No.60 of the said locality. In the complaint case, three witnesses have been examined during the inquiry, who have supported the accusation made by the complainant. Thereafter, vide order dated 07.04.2017 as contained in Annexure-2 to the application, the learned Additional Chief Judicial Magistrate directed the complainant to produce order granting sanction for prosecution of the accused persons. The said order dated 07.04.2017 was challenged by the petitioner in revision before the Sessions Court, Motihari vide Cr. Revision No.138 of 2017.

6. After hearing the parties, the learned Sessions Judge set aside the order dated 07.04.2017 passed by the learned Additional Chief Judicial Magistrate and allowed the revision application vide order dated 12.07.2018. Thereafter, the learned Additional Chief Judicial Magistrate took cognizance of the offence and directed for issuance of summons to the accused persons vide order dated 16.01.2019.



7. The grievance of the petitioner is that despite summoning order, the accused persons have not appeared before the court.

8. In the opinion of this Court, the application is totally misconceived. There is nothing on record to suggest that the summons issued by the court upon the accused persons were duly served to them. Even otherwise, in case the accused persons fail to appear on receipt of summons, the court of Magistrate has got ample powers under the Code of Criminal Procedure to compel appearance of the accused persons, who have been summoned to face trial.

9. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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| AFR/NAFR          | NAFR       |
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