

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78384 of 2019

Arising Out of PS. Case No.-1386 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Binit Kumar Jha, Son of Sanatan Jha, Resident of Village - Raghunathpur
Bela, P.S.- Samastipur (Muffasil), District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vikash Ranjan Sharma, Son of Vinod Prakash Sharma, Resident of Village -
Jirwarbari Ghuta Panchgarah, P.S.- Sahebganj, District - Sahebganj, State-
Jharkhand.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lal Babu Singh
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-12-2019 Petitioner in this case happened to be the complainant of C.R. Case No.1386 of 2017 pending in the court of learned Judicial Magistrate-1st Class, Samastipur. He is aggrieved by the order dated 23.03.2019 passed in Cr.Revision No.332 of 2018/12 of 2019 by learned F.T.C.-I, Samastipur. The revisional court has refused to accept the contention of complainant-petitioner that the learned Magistrate while taking cognizance has not taken cognizance of the offence alleged under Sections 420, 406 and other Sections of the Indian Penal Code.

The revisional court has taken a view that the petitioner could not have challenged the order passed by the learned Magistrate on the ground that the learned Magistrate



should have taken cognizance under various other provisions of the I.P.C. In the opinion of this Court, since the order impugned before the learned F.T.C.-I, Samastipur was not a revisable order, no fault may be found with the impugned order rejecting the revision application. The contention of the petitioner that the material available on the record discloses commission of other offence under various provisions of the I.P.C., in the opinion of this Court is still open for consideration at the stage of framing of charge.

This application is not being entertained leaving it open for the petitioner to make all such pleas which may be available to him at the time of framing of charge and the same will be considered by the learned Magistrate at that stage.

This application is disposed off with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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