

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78864 of 2019

Arising Out of PS. Case No.-1412 Year-2015 Thana- COMPLAINT CASE District- Supaul

1. MD. NAIYAR KHAN @ NAIYAR ALAM Son of Late Abdul Rahim Khan Resident of Village - Raghapur, Gadditola, Police Station - Raghapur, Distt - Supaul.
2. Afroz Khan @ Afroz Alam Son of Late Abdul Rahim Khan Presently residig at Raghapur, Gadditola, Police Station - Raghapur, Distt - Supaul.
3. Ram Kishun Yadav, Moharir, Registry Officer, Ganpatganj, son of Jhabbar Yadav Police Station - Raghapur, Distt - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Imtiyaz Kha Son of Hazi Mohammad Sabbir Khan Resident of - Bhagwatpur, P.S.- Chatapur, Distt - Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 03-12-2019 Head the parties.

This application has bee filed for quashing of order dated 16.7.2019 passed by the learned Sessions Judge, Supaul in Criminal Revision No.69 of 2018, which has been preferred against order taking cognizance dated 6.11.2017 passed by the learned Chief Judicial Magistrate II, Supaul in Complaint Case No.1412C of 2015.

Grounds for quashing is that from perusal of the complaint case it appears that no case is made out under Section 417 of the Indian Penal Code but without considering the same



cognizance has been taken and the revision application has also been dismissed.

Heard learned APP, who has opposed this application on the ground that this is a second revision application in the garb of application under Section 482 of the Cr.P.C. as petitioner has already preferred revision application, which has also been dismissed. Moreover, the petitioner has an opportunity to raise these points at the time of framing of the charge.

In view of the facts and circumstances as stated above and there is a *prima facie* case against the petitioner, I am not inclined to interfere with the impugned order.

Accordingly, this application is disposed of with liberty to the petitioner to raise this point at the time of framing of the charge.

(Vinod Kumar Sinha, J)

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