

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 1384 of 2018

Arising Out of PS. Case No.-131 Year-2006 Thana- SIWAN MUFFASIL District- Siwan

The State of Bihar Through District Magistrate, Siwan, District Siwan.

... .. Petitioner/s

Versus

Md. Shahabuddin Son of Sheikh Hasibullah, Resident of Village- Pratappur,
P.S. Hussainganj, District- Siwan. At present- Tihar Jail, Delhi- 110058.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Dayal, Advocate
For the State	:	Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-11-2019

Heard Mr. Shyameshwar Dayal, learned counsel for the petitioner.

2. After some arguments, learned counsel for the petitioner submitted that the matter be disposed off with liberty to the petitioner to move before the Sessions Judge against the order impugned dated 12.04.2018 passed by the Special Magistrate, Jail Court, Siwan in Trial No. 9 of 2018.

3. In view thereof, the application stands disposed off with liberty aforesaid.

4. As there is a limitation in filing of the present application also, the Court below while considering limitation would consider the fact of pendency of the present application



before this Court as well as the contention of the petitioner that the file was kept locked up in the *Almirah* of the then Special Magistrate and only when the new incumbent came, it came to his knowledge.

5. Thus, all issues would be considered on their own merit, in accordance with law, without being prejudiced by the present order.

6. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

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