

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.510 of 2020**

On the basis of the Letter of Ld.District and Session Judge, Arraria

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Xxx

For the Respondent/s : Mr. Lalit Kishore, A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-07-2020 The Court proceeding has been conducted through virtual mode.

The present matter has been listed on the administrative order of Hon'ble the Chief Justice in view of the report of the District and Sessions Judge, Araria, transmitted through letter dated 15.7.2020 which reflects that during recording of statement under Section 164 of the Code of Criminal Procedure of the victim girl by the learned I/c ACJM, Araria, in connection with Araria Mahila P. S. Case No. 59 of 2020 registered for the offences punishable under Section 376D of the Indian Penal Code, the victim girl as well as two other women obstructed the Court proceeding, abused and snatched from the Presiding Officer copy of the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure.

As a result, on the basis of written report of Rajiv



Ranjan Sinha, the Bench Clerk of the concerned Court, Araria Mahila P.S. Case No. 61 of 2020 was registered under Sections 353, 228, 188, 180 and 120B of the Indian Penal Code and Sections 2A, 2C and 20 of the Contempt of Courts Act, 1971 against the aforementioned three persons and they were remanded to judicial custody.

In the circumstances mentioned above, this Court either in exercise of jurisdiction under Section 397 of the Code of Criminal Procedure will examine the records of the proceeding for the purpose of satisfying itself with regard to the correctness, legality and propriety of the order passed by the learned I/c ACJM, Araria or in pursuance to the power of superintendence, as conferred under Article 227 of the Constitution of India.

In both the eventualities, such application can be registered either by way of Criminal Revision under Section 397 of the Code of Criminal Procedure or Criminal Writ application under Article 227 of the Constitution of India, but the present application has been labelled as Civil Miscellaneous application.

Under the circumstances, Registry is directed to convert the present application into a Criminal Writ application under Articles 226 and 227 of the Constitution of India and



thereafter, let the matter be placed before the appropriate bench
under the orders of Hon'ble the Chief Justice.

In the meantime, Registry will digitalize the entire
records.

(Dinesh Kumar Singh, J)

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