

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17039 of 2021

Arising Out of PS. Case No.-2100 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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PREM KUMAR Son of Sri Shashi Bhushan Purbey Resident of Village and
P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manager Bandhan Bank, Dalsinghsarai Branch, Dalsinghsarai, District -
Samastipur. Bihar
3. Manager Bandhan Bank, Samastipur Branch, Town, P.S. and District -
Samastipur. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh, Adv.
		Mr. Barun Kumar Singh, Adv.
For the Opposite Party/s :		Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Being aggrieved by the order dated 05.12.2020 passed
by the learned Sessions Judge, Samastipur in Criminal Revision
No. 71 of 2020, whereby the learned Judge has dismissed the
revision petition filed by the revisionist-petitioner, herein, the
petitioner has approached this Court by way of present
application under Section 482 of the Cr.P.C. for quashing of the
order impugned.

The revision petition has been directed against the
order dated 20.12.2019 passed by the court of Judicial



Magistrate-1st Class Samastipur in Complaint Case No. 2100 of 2019 by which the learned Magistrate has dismissed the complaint exercising the powers conferred under Section 203 of the Cr.P.C.

The crux of the case, in hands, is that the learned Magistrate has dismissed the complaint filed by the complainant-petitioner herein and thereafter the complainant preferred revision application against the order of learned Magistrate, but the same has also been dismissed by the learned Session Judge, Samastipur, vide order dated 05.11.2020, which is in question herein, on the ground that opposite party Nos. 2 and 3 happen to be the Manager of Bandhan Bank and as per the direction of Joint Commissioner, State Taxes, Samastipur Division, have deducted the amount in question against the taxes due against the petitioner.

This Court, considering the issue herein and without diving deep in to the merits of the facts on which concurrent finding of courts is there, confines it to the extent that whether the impugned order suffers from any infirmity or irregularity or any impropriety or not.

Having perused the material available on record and the deep perusal of the orders of two consecutive courts, this Court, primarily, comes to an observation that revisional court has rightly exercised its jurisdiction after going through the



material fact of the case and has observed that the learned Magistrate has taken into proper consideration of all the documentary and oral evidence adduced by the complainant and thereafter has rightly dismissed the complaint under Section 203 of the Cr. P.C.

Section 203 Cr.P.C. is required to be produced herein for better adjudication of the case in hands, which reads as follows;

“Dismissal of complaint. If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing,”

From bare reading of the aforesaid, it would manifest that the learned Magistrate can dismiss the complaint if he opines that no sufficient ground for proceeding against the accused is made out. Here in the case at hands, learned Magistrate has deeply appreciated the evidences adduced on behalf of the complainant and found material contradictions in the statement of three witnesses excluding the complainant and come to a finding that no prima facie case is made out against the accused. Similarly, the learned Session Judge while exercising his revisional jurisdiction has observed that the learned Magistrate has not erred in appreciating the material available on record and



accordingly, dismissed the revision application.

In such view of the matter, in my opinion, the impugned order under challenged passed by the revisional court does not warrant any interference of this Court in exercise of powers conferred under Section 482 of the Cr.P.C.

Accordingly, this criminal miscellaneous application, being devoid of merit, is dismissed.

(Rajesh Kumar Verma, J)

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