

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34770 of 2020

Arising Out of PS. Case No.-2 Year-2012 Thana- GOPALGANJ TOWN District- Gopalganj

Rojina Khatoon W/o Irshad Ali Resident of Village- Khajuria, P.S.-
Gopalganj, Distt- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jamila Khatoon W/o Late Sakir Resident of Village- Khajuria, P.S.-
Gopalganj, Distt- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 28-04-2022 Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That this is an application for
quashing the order dated 17.12.2019 passed
by learned Additional Sessions Judge II,
Gopalganj in Cr. Revision No. 438 of
2019/Reg. No. 438 of 2019 and the order
dated 12.04.2019 passed by learned Chief
Judicial Magistrate, Gopalganj in
Gopalganj P.S. Case No. 2 of 2012 by which
cognizance of offence under Section 341,
323, 324, 448, 504, 379, 363, 366A/34 of
IPC have been taken.”*

The petitioner is alleged to have been involved for the



offences under Section 341, 323, 324, 448, 504, 379, 363, 366A and 34 of IPC and the matter is pending consideration before the Trial Court. The petitioner-revisionist in Criminal Revision No. 438 of 2019 questioned the order dated 12.04.2019 on the file of learned C.J.M., Gopalganj in Gopalganj P.S. Case No. 2 of 2012. Learned C.J.M., Gopalganj has issued a summons against the petitioners for the aforesaid offences and to face the trial. Petitioner feeling aggrieved by summons preferred a Criminal Revision No. 438 of 2019. Criminal Revision No. 438 of 2019 was dismissed while affirming the order of the learned C.J.M., Gopalganj dated 12.04.2019.

The Additional District and Sessions Judge-II, Gopalganj examined the order of the learned C.J.M., Gopalganj dated 12.04.2019 and so also the contention of the learned Additional P.P. The contention of learned Additional P.P. has been taken note of in paragraph no.5 and decision of the learned Additional District and Sessions Judge-II at paragraph no.6. Paragraph no. 5 and 6 reads as under:

“5. On the other hand learned Addl. P.P. appearing on behalf of the State opposed the argument for the revisionist and submitted that there is sufficient evidence on record to issue process of summons U/s 341,



323, 324, 448, 504, 379, 363, 366 (A) / 34 of the I.P.C. Learned A.P.P. further submitted that I.O. of this case as well as supervision note dated 30-9-16 of the Inspector shows that the case was found true U/s 366 and 366(A) of the I.P.C. during course of supervision. He also cited para 16, 62 and 63 of the case diary and referred the case alws CWJC 2017 page 2652 dated 10-8-18 and prayed to dismiss the revision petition.

6. Heard both sides and perused the case record as well as petition date 30-9-16 submitted by the A.S.I. Town P.S. Gopalganj Sahjadi Nasrin Imam, it appears that during course of investigation and supervision, the case has been found true U/s 366 and 366(A) of the I.P.C. From perusal of para 16 of case diary it also appears that the case has been found true U/s 341, 323, 504, 379, 324, 366, 366(A) of the I.P.C. and injury report of victim Jamila Khatoon is mentioned in para 29 and 30 of the case diary. Injury report of Sabare Alam is mentioned in para 31 of case diary. From perusal of record it appears that the victim Anjum Ara is not recovered as yet.”

Learned counsel for the petitioner submitted that statement of Anjum Ara (daughter of Opposite Party no.2) has been recorded under Section 164, said statement is in favour of



the petitioner and the same has not been appreciated. Perusal of paragraph nos. 5 and 6 of the order dated 17.12.2019 of the Additional District and Sessions Judge-II, no interference is called for in respect of order dated 17.12.2019 passed in Criminal Revision No. 438 of 2019.

At this stage, learned counsel for the petitioner submitted that petitioner has suffered an order in a discharge application and it is a subject matter of litigation before this Court. He is permitted to pursue the pending litigation.

With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

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