

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2377 of 2023

Arising Out of PS. Case No.-701 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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RANDHIR RANJAN Son of Vidya Sagar Sharma R/V- Kesho Narayan Pur,
P.S- Tajpur (O.P Halai) Distt- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Singh Son of Arbind Kumar Singh, R/V- Kesho Narayan Pur,
P.S- Tajpur (O.P Halai) Distt- Samastipur.

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-09-2023 This application has been filed for quashing the order dated 17.02.2022 passed in Cr. Revision No. 389 of 2019 as well as the order dated 28.02.2019 passed in Complaint Case No. 701 of 2017, whereby and whereunder the learned Additional District and Sessions Judge-VII, Samastipur confirmed the order dated 28.02.2019 passed in Complaint Case No. 701 of 2017.

2. The learned counsel for the petitioner has submitted that the complaint petition filed against the petitioner was dismissed by the learned Judicial Magistrate. Against that order,



the complainant preferred a revision before the learned Sessions Judge, which was allowed by the learned Sessions Judge and the learned Sessions Judge directed the court below to pass a fresh order in accordance with law after setting aside the dismissal order dated 09.08.2017.

3. It is an admitted fact that the petitioner did not challenge the earlier order of the learned Sessions Judge whereby he allowed the revision against the order of the learned Magistrate passed under section 203 of the Cr.P.C. After that order, the learned Judicial Magistrate took cognizance against the accused persons, including the petitioner.

4. The learned counsel for the petitioner has submitted that the learned Judicial Magistrate committed illegality in not conducting the enquiry and he passed cognizance order on the materials already available with the record.

5. The order of the learned Judicial Magistrate taking cognizance was challenged before the learned Sessions Judge in Cr. Revision No. 389 of 2019, which was dismissed by the impugned order.

6. It has fairly been submitted that the earlier order of the learned Sessions Judge, whereby the revision filed by the complainant was allowed, was not challenged by the petitioner



and that order has become final. After receiving of that order, the learned Magistrate has no option, but to comply the order of the learned Sessions Judge.

7. In my view, the learned Magistrate did not commit any illegality in taking cognizance. As such, this petition is dismissed.

(Nawneet Kumar Pandey, J)

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