

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21978 of 2023**

Arising Out of PS. Case No.-268 Year-2021 Thana- GOPALPUR District- Gopalganj

ASERAJ RAI Son of Late Rama Rai R/V- Ahirauli Dubauli P.S- Gopalpur  
Dist- Gopalganj

... .. Petitioner

Versus

1. The State of Bihar
2. The Officer-in-charge Gopalpur cum I.O. Of Gopalpur P.S Case No. 268 of 2021 Bihar
3. Chhotan Rai son of Bindhyachal Rai R/V- Ahirauli Dubauli P.S- Gopalpur Dist- Gopalganj
4. Subh Nath Rai Son of Jagdish Rai R/V- Ahirauli Dubauli P.S- Gopalpur Dist- Gopalganj
5. Rintu Shukla Son of Dinesh Rai R/V- Ahirauli Dubauli P.S- Gopalpur Dist- Gopalganj
6. Dharam Nath Singh Son of Late Gorakh Singh R/V- Phulwariya P.S- Kuchaikot Dist- Gopalganj

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate  
For the Opposite Party/s : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      17-10-2023                      By an order dated 09.01.2023 passed by the learned Additional Sessions Judge-3rd, Gopalganj, in Criminal Revision Case No. 1545 of 2022, order taking cognizance and summoning opposite parties No. 3 to 6 passed by the learned J.M. Ist Class, Gopalganj, in connection with Gopalpur P.S. Case No. 268 of 2021, has been set aside. The said order is under challenge in the present application filed under Section 482 of the CrPC.

2. From the records, it appears that Gopalpur P.S.



Case No. 268 of 2021 came to be registered at the instance of the petitioner Aseraj Rai against 11 persons. The police, upon completion of investigation, submitted charge-sheet against four persons and finding no material against rest of the seven, decided not to send them up for trial.

3. The learned Magistrate, however, took cognizance of the offences in respect of which the charges were framed and proceeded against all the 11 persons. The said order taking cognizance and summoning the accused persons came to be challenged by opposite parties No.3 to 7 by filing revision application to the extent the said order related to them. The said application has been allowed by the impugned order.

4. In the Court's opinion, the impugned order passed by the learned Additional Sessions Judge-3rd, Gopalganj, is a final order, not interlocutory in nature. The petitioner has remedy of preferring revision under Section 397 of the CrPC.

5. This application is accordingly dismissed with a liberty to the petitioner to file revision application, if so advised.

**(Chakradhari Sharan Singh, J)**

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