

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27320 of 2015

Arising Out of PS. Case No.-1160 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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Anant Kishore S/o Dr. Nand Kihore Vidyarthi Resident of Flat No. A-4 keoti
Dham Apartment , Madhav Block, West Boring Cennal Road p.s Sk. Puri
District Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Madan Mohan Srivastava S/o late Binda Prasad, President of Dhananjay
Sahkari Grih Nirman Samiti Resident of sanjay Gandhi nagar Road no. 8,
Hanuman Nagar P.o. P.s Kankarbag, Distand Town Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arbind Kumar Singh, Advocate
		Mr. Ritesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.A.M.P.Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-02-2023 Heard Mr. Ritesh Kumar Jha, learned counsel for the

petitioner and Mr. A.M.P. Mehta, learned counsel for the State.

The present application has been filed against the
order dated 01.04.2015 in Criminal Revision No. 127 of 2015
passed by learned Sessions Judge, Patna as also the order dated
11.12.2014 in Complaint Case No. 1160C of 2013 passed by
learned Judicial Magistrate, 1st Class, Patna whereby and
whereunder the petition filed by the petitioner under Section
258 of the Cr.P.C. has been rejected.

Learned counsel for the petitioner took this Court to
Annexure-6, the order passed by the learned Judicial Magistrate,



1st Class, Patna in Complaint Case No. 1160C of 2013 as also the Civil Revision No. 127 of 2015 dated 01.04.2015.

From the order of the learned Sessions Judge, Patna, it seems that a reasoned order has been passed incorporating the following facts :-

“ Learned counsel for the petitioner submits that the case was running for explaining accusation to the accused persons in a summon case, The petitioner filed a petition to depop the proceeding in exercise of power under Section 258 Cr.P.C.

The prayer has been refused by the impugned order.

Sec. 258 Cr.P.C. reads as follows:-

“In any summons case instituted otherwise than upon complaint, A Magistrate of the 1st Class, or, with the previous sanction of the Chief Judicial Magistrate, any other Judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of principal witnesses has been recorded, pronounce a judgment of acquittal and, in any other case, release the accused, and such release shall have the effect of discharge”.

On bare perusal of the aforesaid provision, it is evident that reason is to be recorded



by the Magistrate for stopping the proceeding and no reason is required for not stopping the proceeding. Moreover, the stage of the trial was to explain accusation to the accused. Therefore, there was no substantial material to drop the proceeding U/s 258 Cr.P.C.

Although, learned counsel for the petitioner tried to impress upon the Court putting forward submissions in support of the case, considering the reasoned order passed by the learned Sessions Judge, Patna, this Court is not interested in extending any relief to the petitioner herein.

Accordingly, the petition stands dismissed.

Before parting, the Court would like to put on record its word of appreciation for Ritesh Kumar Jha, learned counsel for the petitioner for proper assistance in the matter.

(Rajiv Roy, J)

Jagdish/Neha-

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