

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.68 of 2019

Arising Out of PS. Case No.-18 Year-2016 Thana- DOMESTIC VIOLENACE District- Patna

Raj Kumar Yadav S/o Late Narayan Yadav Resident of Mohalla-Danka
Kuncha Sadar Gali,P.S. Khajekalan,Distt.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Chandni Kumari W/o Late Dhiraj Kumar,D/o Rajendra Prasad Yadav
Resident of Mohalla-Danka Kurcha,Sadar Gali,P.S. Khajekalan,Distt.-
Patna,at present-a resident of Karbigahiya,CID Club Ki Gali,P.S.
Jakkanpur,Distt.-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate
For the Respondent/s : Dr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner has moved this Court with a limited grievance that the learned Magistrate has issued notice to him without considering the Protection Officer's report.

3. From the impugned order dated 18.08.2016, it appears that the records of the case was received in the court of learned S.D.J.M, Patna City from the court of learned A.C.J.M., Patna City. The learned Magistrate heard learned counsel for the applicant, called for the Protection Officer's report and at the same time issued notice to the opposite party.

4. The petitioner preferred an appeal against the said order which has been dismissed by the learned Additional



District and Sessions Judge-1st, Patna City. The learned appellate court has taken a view that while the learned Magistrate is duty bound to take into consideration the domestic incident report received from the Protection Officer, in order to comply with the principles of natural justice, he has issued notice to the opposite parties. The appellate court has, therefore, taken a view that a direction to issue notice to the opposite parties cannot be said to be an order passed by the Magistrate without considering the Protection Officer's report. There being no effective order.

5. This Court finds that the learned Magistrate while passing the impugned order has not passed any effective order. Only a notice was issued. More than 7 years have gone thereafter.

6. This Court finds no reason to interfere with the impugned order. This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

