

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.327 of 2023

Arising Out of PS. Case No.-1039 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Rama Nand Poddar son of Shree Parmanand Poddar, Resident of Mohalla-
Mirchaibari Officers Colony Katihar, P.S. and Dist- Katihar at present- House
No-3, Road No-7, Indrapuri Atal Path P.S.- Patliputra Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sajjan Kumar Poddar @ Munna son of Shree Parmanand Poddar Mohalla-
Mirchaibari, Officers colony, Katihar, Ps and dist- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rama Nand Poddar, Adv. (In person)
For the Respondent/s	:	Mr. Ashok Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present Cr. Revision Application has been filed
against the order dated 27.01.2023 passed by Judicial
Magistrate, 1st Class, Katihar in Complaint Case No. 1039 of
2022, by which, learned Magistrate did not take cognizance for
offence under Sections 323, 406 & 420 of the Indian Penal Code
but instead thereof has taken cognizance under Sections 418 &
504 of the Indian Penal Code.

Learned counsel submits that petitioner is a practicing
advocate of this Court who has given loan of Rs.60,000/- to his
full brother in Covid-19 period but after end of Covid-19 period
when the petitioner has demanded his money from the accused/

opposite party No.2, he has flatly refused to return the money and due to this reason petitioner has filed criminal case under Sections 323, 406, 420, 504 & 506 of the Indian Penal Code but court has not taken cognizance under provision of law under which the complaint has been filed rather the court has taken cognizance only under Sections 418 & 504 of the Indian Penal Code.

Learned counsel for the State submits that ingredient of Sections 323, 406 & 420 of the Indian Penal Code is not present in this case.

Upon going through the S.A., I.W's. and the pleadings as well as hearing the argument of petitioner, this Court is of the opinion that ingredient of Sections 323, 406 & 420 of the Indian Penal Code are not present. The court of Judicial Magistrate has rightly taken cognizance under Sections 418 & 504 of the Indian Penal Code and due to this reason this Court is not inclined to interfere in the said order.

In this view of the matter, the present Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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