

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31633 of 2015**

Arising Out of PS. Case No.-233 Year-2012 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Awadhesh Kumar Gupta
 2. Santosh Kumar Gupta
 3. Manoj Kumar Gupta.

All sons of Late Damodar Prasad Gupta, resident of Mohalla-
Gandhi Chowk, P.O. Sahebganj, P.S. Chapra Town, District- Saran

... .. Petitioners

Versus

1. State of Bihar
2. Binay Kumar Gupta, Son of Late Rameshwar Prasad Gupta, Resident of
Mohalla Gandhi Chowk, P.O. Sahebganj, P.S. Chapra Town, District-
Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Pravin Kumar, Advocate
For the Opposite Party : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 17-02-2023

Heard the parties.

This application has been filed for quashing of the order dated 24.06.2014 passed by the Vth Ad-hoc Additional Sessions Judge, Saran at Chapra in Criminal Revision No. 205 of 2012, by which the Revisional Court has set aside the order 26.06.2012 passed in Complaint Case No.233 of 2012 and directed the Chief Judicial Magistrate, Chapra to re-examine the matter and pass order in accordance with law. The petitioners have also challenged the order dated 13.08.2014 passed by the Chief Judicial Magistrate, Saran at Chapra in Complaint Case No. 233 of 2012 (Tr. No. 426 of 2014) by which it has been



directed to issue summons against the petitioners pursuant to the order dated 24.06.2014 passed by the Revisional Court in Criminal Revision No. 205 of 2012.

It appears that the order dated 24.06.2014 passed by the Revisional Court is under challenge. Thereafter, the learned Magistrate vide order dated 13.08.2014 has taken cognizance against the petitioners pursuant to the order of the Revisional Court, which is also under challenge in this petition.

In the opinion of this Court, two applications ought to have been filed by the petitioners challenging the Revisional order and the cognizance order. Moreover, After going through the complaint petition as well as the order of the learned Magistrate, by which cognizance has been taken against the petitioners, it appears that *prima facie* case is made out against the petitioners. Further, the stage of the case is not known to the petitioners.

In view of the above, this quashing petition is dismissed.

(Sandeep Kumar, J)

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