

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36544 of 2022

Arising Out of PS. Case No.-3385 Year-2016 Thana- SARAN COMPLAINT CASE District-
Saran

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UPENDRA PRASAD YADAV Son of Brahama Prasad Yadav R/O Village -
Rapuri Jaiti, P.S.- Dariyapur, Dist.- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. B.D.O Dariyapur, R/O Office - Dariyapur, Block and P.S.- Dariyapur Dist.- Saran
3. C.O Dariyapur, R/O Office - Dariyapur, Block and P.S.- Dariyapur, Dist.- Saran
4. Block Agriculture Officer, Dariyapur, R/O Office - Dariyapur Block and P.S.- Dariyapur Dist.- Saran
5. Manoranjan Kumar Son of Ram Lagan Rai R/O Vill.- Fatehpur Chain, P.S.- Awatarnagar, Dist.- Saran. (Agriculture Adviser)
6. Ranjit Singh Son of Late Prabhu Nath Singh R/O Vill.- Khanpur Chain, P.S.- Derni, Dist.- Saran.
7. And 15 Other Agriculture Adviser Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present application has been filed seeking
quashing of the order dated 28.04.2022 passed in Cr. Revision
No. 269 of 2019 which was filed against the order dated
04.09.2019 passed by the learned ACJM-XIV, Saran at Chapra
in Enquiry Case No. 176 of 2019 dismissing the complaint
petition under Section 203 of the Cr.P.C.



3. Learned counsel for the petitioner submits that a Complaint Case No. 3385 of 2016 was filed by the complainant and the learned Magistrate on inquiry under Section 202 of the Cr.P.C. was pleased to dismiss the same under Section 203 of the Cr.P.C. against which a Cr. Revision No. 269 of 2019 was filed by the petitioner against the order dated 04.09.2019 passed by the learned ACJM-XIV, Saran at Chapra in Enquiry Case No. 176 of 2019.

4. Learned counsel for the petitioner submits that from bare perusal of the order dated 28.04.2022 in Cr. Revision No. 269 of 2019, it would manifest that the same was disposed of without adjudicating the case on merits on the ground that no one had appeared on behalf of the petitioner on few dates. It is further submitted that revisional order is also not reasoned.

5. The Court at this stage is not inclined to proceed on merits of the case but from perusal of the order dated 28.04.2022 in Cr. Revision No. 269 of 2019, it would manifest that the case was not adjudicated on merit, as such, the order dated 28.04.2022 in Cr. Revision No. 269 of 2019 is set aside and the matter is remanded back to the learned Sessions Judge, Saran at Chapra for adjudicating the case afresh.

6. It is made clear that if no one appears on behalf of



the petitioner again, as has been recorded in the order dated 28.04.2022, the learned Sessions Judge, Saran at Chapra will not wait for the petitioner but will decide the case within a period of one month from the date of receipt/production of a copy of this order.

(Satyavrat Verma, J)

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