

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.398 of 2017

Arising Out of PS. Case No.-206 Year-2014 Thana- BEUR District- Patna

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1. Chote Lal Patel @ Rahul and Anr son of Late Mohan Patel.
 2. Vicky Patel Son of Tarkeshwar Patel.
Both Residents of Near Mahavir Colony, Police Station- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ratnesh Kumar, C.G.C.
	:	Mr. Kautilya Pd., Adv.
For the Respondent/s	:	Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 16-03-2023

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The present Cr. Revision has been filed against the
order dated 27.02.2017 passed by Additional District & Sessions
Judge, IVth, Patna in Sessions Trial No. 683 of 2015, by which,
the petition for discharge under Section 227 of the Cr.P.C., 1973
has been rejected by the court below.

Learned counsel for the petitioner submits that the
petitioners are named accused in Beur P.S. Case No. 206 of 2014
under Section 302/34 of the Indian Penal Code, in which, charge
sheet has been filed against the petitioners on 30.11.2014 bearing
Beur P.S. Case No. 206 of 2014. Upon filing of the charge sheet

cognizance has been taken in this case against the petitioners and after compliance of Section 207 of Cr.P.C. commitment took place in the said case and case was put on trial bearing Session Trial No. 683 of 2015. Learned counsel submits that at the time of filing of charge sheet the Investigating Officer has observed that investigation shall continue, in result of the continuing investigation, supplementary charge sheet has been filed against four named accused persons, for which separate Session Trial No. 684 of 2015 is going on.

Learned counsel submits that a discharge petition has been filed under Section 227 of the Cr.P.C., in which, the police papers of Session Trial No. 684 of 2015 for the rest four accused has been requested to be use for deciding the discharge petition. He further submits that the police papers of Session Trial No. 684 of 2015 are treated to be part and parcel of the investigation of Beur P.S. Case No. 206 of 2014 itself. He also submits that the police papers including the supplementary charge sheet indicates the names of accused persons who are involved in commission of crime. He further submits that name of the present petitioners has come only on the basis of suspicion, there is no eye witness and facts and circumstances of the case indicates that the petitioners are innocent. Learned counsel submits that the Session Court has rejected the prayer for

discharge of petitioners on the ground that in the different paragraphs of the case diary there are materials against them.

Learned counsel for the State submits that the Cr. Revision proceeding and the proceeding of Cr. Appeal are different. The scope of revision is very limited and only question of legality and correctness of the order may be tested in revision.

In the opinion of the Court, there is subsistence in the argument of the counsel for the State that counsel for the petitioner has failed to raise any question of legality, correctness and propriety of the order, as such, I found that there is no need of interference in the said order and this Cr. Revision is hereby **dismissed**.

But in the interest of justice, liberty is granted to the petitioners that they may raise the said plea at the appropriate stage of trial under the appropriate provision of law before appropriate forum.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	