

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.703 of 2017

Arising Out of PS. Case No.-80 Year-2014 Thana- KARTAHA District- Vaishali

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1. Nawal Kishor Prasad Yadav @ Nawal Prasad Yadav And Ors S/O Bhola Rai
 2. Niraj Kumar S/O Late Tileshwar Rai
 3. Satyendra Prasad Yadav S/O Jaleshwar Rai
 4. Amit Kumar S/O Nawal Kishor Prasad Yadav All Residents Of Village - Gurmiya, P.S. - Kartahan, District - Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Pinki Devi W/o Sujit Kumar resident of village - Gurmiya West, P.S. - Kartahan, District - Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.
For the Respondent/s : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-03-2023 Counsel for the petitioner submits that petitioner no. 1 has died and therefore, the present case also has become infructuous for petitioner no. 1. He seeks permission to pursue this case against rest petitioners i.e. 2, 3 and 4.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has filed Cr. Revision against order dated 26.04.2017 passed in S. Trial Court No. 369 of 2016 by Sessions Judge, Vaishali at Hajipur arising out of Kartahan P.S. Case No. 80 of 2014 by which petition filed by the petitioner

under Section 228 of the Code of Criminal Procedure has been rejected vide order dated 24.10.2016.

Counsel for the petitioner submits that there was no ingredient of any offence under section 307 of the Code of Criminal Procedure even then Court has framed charge under Section 306 of the Code of Criminal Procedure and then being aggrieved of framing of charge he has moved before this Court.

Counsel for the State submits that remedy available to the petitioner for discharge is only under Section 227 of the Code of Criminal Procedure i.e. discharge and at this stage the petition is at liberty to raise the point that under which section charge ought to be framed or not framed. But once charge has been framed under section 228 of the Code of Criminal Procedure there is no legal study remedy provide under law and then he has to defend the charge by virtue of Examination in Chief. Here, in the present case counsel has filed an appeal under section 228 of Code of Criminal Procedure. The Session Court has passed a detailed order discussing the matter as to how he has involved in the said Criminal case.

In the light of discussion made above, it is also mentioned that the petitioner has not raised any point of correctness, legality and propriety of the finding of the Court.

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

(Dr. Anshuman, J.)

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