

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1225 of 2017

Arising Out of PS. Case No.-49 Year-2014 Thana- MAHILA PS District- Jehanabad

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1. Mahesh Yadav Son of Late Beyadar Yadav,
 2. Vinay Yadav, Son of Mahesh Yadav,
 3. Arun Yadav, Son of Mahesh Yadav,
 4. Gyanti Devi, Wife of Arvind Yadav,
 5. Arvind Yadav, Son of Late Rameshwar Yadav,
 6. Khushbu Kumari @ Khusbhu @ Archana Bharti, Daughter of Arbind Yadav
 7. Sobha Kumari @ Amrita Bharti @ Shobha, Daughter of Arbind Yadav
 8. Guddi Devi @ Madhuri Kumari @ Madhuri Devi, Wife of Arun Yadav,
All resident of Village- Teni Bigha, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mausam Kumar @ Anurudh Kumar, Son of Late Shyamakant Prasad,
Resident of Village- Shiva Shankarpur, P.S.- Telhara, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No.2	:	Mr. Dharendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 09-10-2023 Heard learned counsel for the petitioners, learned

counsel for the opposite party no.2 and learned counsel for the

State.

2. Petitioners in this case are aggrieved by and

dissatisfied with the order dated 31.05.2017 passed by the

learned Sessions Judge, Jehanabad in Cr. Revision No. 33 of

2016 by which the learned Sessions Judge has been pleased to

allow the revision application filed by the opposite party no.2.



The learned revisional court set aside the order dated 12.04.2016 passed by the learned Sub-Divisional Judicial Magistrate, Jehanabad in Jehanabad (Mahila) P.S. Case No.49 of 2014 whereby and whereunder the learned Magistrate had been pleased to take cognizance of the offences but issued summon only against one of the accused Indrajeet Yadav. The revisional court directed the learned Magistrate to pass a fresh order.

3. Learned counsel for the petitioners as well as the learned counsel for the opposite party no.2 have informed this Court that during pendency of this application, the learned Sub-Divisional Judicial Magistrate, Jehanabad passed a fresh order taking cognizance and issuance of summons against all the accused persons whereafter the case has proceeded and presently the trial is on the verge of closure. It is informed that as many as six prosecution witnesses have already been examined.

4. Learned counsel for the opposite party no.2 has raised an issue of maintainability of the revision application as well, as according to him, the revisional order passed by the learned Sessions Judge, Jehanabad could not have been challenged before this Court in its revisional jurisdiction. Learned counsel submits that the learned Sessions Judge as well



as this Court are having concurrent jurisdiction under Section 397 read with Section 401 Cr.P.C.

5. At this stage, learned counsel for the petitioners submits that since the trial has already progressed, she instead of pressing this application would request this Court to allow her to withdraw this application with liberty to raise all such grounds which are available to the petitioners in course of trial.

6. Learned counsel for the opposite party no.2 has no objection to the same.

7. This application is, thus, being disposed of with liberty to the petitioners to raise all such grounds which may be available to them in course of trial.

(Rajeev Ranjan Prasad, J)

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