

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.860 of 2017

Arising Out of PS. Case No.-552 Year-2014 Thana- NAWADA District- Nawada

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Jitendra Kumar @ Prashant Kumar S/o Shri Baleshwar Prasad, Vill. + Post-
Sabhari, P.S.- Nardiganj and District-Nawada. Petitioner/s

Versus

1. The State Of Bihar
 2. Director General of Police, Bihar, Patna
 3. Inspector General of Police, Magadh Range, Patna
 4. Deputy Inspector General of Police, Magadh Range, Patna
 5. Superintendent of Police, Nawada
 6. S.D.P.O., Sadar Nawada
 7. S.H.O., Town P.S., Nawada Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar @ Prashant Kumar, Adv. Mr. Kishor Kumar Jha, Adv. Mr. Sunil Kumar Singh No-10, Adv. Mr. Shiv Shankar, Adv. Mr. Indradeo Prasad, Adv.
For the Respondent/s	:	Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 26-04-2023

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

The present criminal revision application has been
filed for setting aside the order dated 20.06.2017 passed by the
Chief Judicial Magistrate, Nawada in connection with Nawada
(T) P.S. Case No. 552 of 2014 by which the court, without reach
on a conclusion on the protest of the informant, has accepted the
final form.

Counsel for the petitioner submits that in the said
Nawada (Town) P.S. Case No. 552 of 2014 police has submitted
this case not true. The informant upon getting information has

filed a protest before the court, on which court has called for a report in the light of his petition dated 02.11.2015 but there was no response from the authority demanding his report. Counsel further submits that on the one hand the record was waiting for report which was demanded vide order dated 21.03.2016. The court instead of taking further action and assuring compliance of its own order go ahead and accepted the final form and close the case. Counsel further submits that in the case of **Bhagwant Singh Vs. Commissioner of Police & Anr.** reported in **AIR 1985 SC 1285** the action of court has been clarified and has to be done in accordance with law to the Chief Judicial Magistrate.

Counsel for the State submits that the court has closed the case correctly as any case cannot be opened for unlimited period particularly when the final form has been submitted, therefore, there is no illegality in the said order.

After going through the argument and the documents, it transpires to this Court that order dated 20.06.2017 passed by the Chief Judicial Magistrate, Nawada in connection with Nawada (T) P.S. Case No. 552 of 2014 is bad due to the reason that earlier action of the Chief Judicial Magistrate must reach to a conclusive end and for that this Hon'ble Court in the case of **Surendra Singh Vs. State of Bihar**

and others in *Cr. W.J.C. No. 153 of 2017* with analogous cases, has categorically explained about the power of the Chief Judicial Magistrate and hold that non-compliance of the order passed by the Chief Judicial Magistrate is contemptuous for which he is competent to take action.

In this view of the matter, the order dated 20.06.2017 passed by the Chief Judicial Magistrate, Nawada in connection with Nawada (T) P.S. Case No. 552 of 2014 is hereby set aside. The Chief Judicial Magistrate, Nawada is directed to pass order afresh considering the above said two judgments, i.e. **Bhagwant Singh Vs. Commissioner of Police & Anr.** reported in **AIR 1985 SC 1285** and *Surendra Singh Vs. State of Bihar and others* in *Cr. W.J.C. No. 153 of 2017* with analogous cases.

With the aforesaid direction, the present Criminal Revision Application is hereby disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	