

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.231 of 2021

Arising Out of PS. Case No.-118 Year-2014 Thana- RAHIKA District- Madhubani

MANOJ KUMAR SINGH S/O LATE RAMASHISH SINGH RESIDENT OF
VILLAGE DHANUSHI P.S. RAHIKA, DISTRICT MADHUBANI
... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE HOME SECRETARY, GOVT. OF BIHAR, PATNA
2. THE HOME SECRETARY, GOVT. OF BIHAR, PATNA
3. THE DIRECTOR GENERAL OF POLICE, GOVT. OF BIHAR, PATNA
4. THE DISTRICT MAGISTRATE, MADHUBANI
5. THE SUPERINTENDENT OF POLICE, DISTRICT-MADHUBANI
6. THE DEPUTY SUPERINTENDENT OF POLICE, MADHUBANI, DISTRICT-MADHUBANI
7. THE STATION HOUSE OFFICER (SHO), P.S-RAHIKA, DISTRICT-MADHUBANI
... Respondents

Appearance :

For the Petitioner : Mr.Ravindra Kumar Singh
For the Respondents : Mr.Manoj Kumar, AC to GP IV

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner has challenged the order, dated 06.03.2020, passed by the Additional District Judge, VI, Madhubani, in Criminal Revision No. 170 of 2015 (CIS No. 169 of 2015) as well as the order, dated 19.01.2015, passed by the Judicial Magistrate, 1st Class, Madhubani, by which the revisional Court has refused to enter into the order, dated 19.01.2015.

Counsel for the State submits that he has not been served the hard copy, but, it has been submitted that soft copy



has been served on mail. Counsel submits that basic order under challenge is the cognizance order which has already been challenged in revision and now challenged in criminal writ, so on its face it amounts to second test of the cognizance order, which is not permissible in law.

It transpires upon going through the order that order of cognizance has been decided in criminal revision and again it is for second test come here.

In the opinion of the Court, on the point of merit, this case is fit to be dismissed, but the points which has been raised by the counsel for the petitioner is that on the said date as alleged in occurrence he was posted on election duty and his duty chart shall also indicate that during said date and time he was on duty and not present at the place of occurrence.

This Court is hereby **reject** the present writ petition as there is no merit to challenge the cognizance order refused and affirmed by the revisional Court, but, the points, which counsel for petitioner is raising here in the writ petition are concerned, this Court is granting liberty to the petitioner to raise all those points at the time appropriate stage of trial before the appropriate forum.

(Dr. Anshuman, J)

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