

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.943 of 2019

Arising Out of PS. Case No.-474 Year-2015 Thana- BIHAR District- Nalanda

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Rafat Jahan @ Sultana D/o Late Md. Shahnawaj, Resident of Mohalla -
Sherpur, P.S.- Bihar, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajia Khatoon @ Rajia Wife of Ajmal Hussain, Resident of Mohalla -
Sherpur, P.S.- Bihar, Distt - Nalanda.
3. Johra Khatoon Wife of Jainul Abdin, Resident of Mohalla - Sherpur, P.S.-
Bihar, Distt - Nalanda.
4. Md. Asif @ Asif Son of Jainul Abdin, Resident of Mohalla - Sherpur, P.S.-
Bihar, Distt - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Respondent/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 07-04-2023

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

The petitioner has filed the present criminal revision
against the order dated 08.05.2019 passed by 2nd Additional
Sessions Judge, Nalanda at Bihar Sharif in Sessions Trial No.
223 of 2017 arising out of Bihar P.S. Case No. 474 of 2015 by
which the petition filed under Section 319 of Cr.P.C. has been

rejected vide order dated 29.03.2019 in which the request to summon the opposite party no.2 to 4 to face the trial.

Counsel for the petitioner submits that there was material available in the evidence of P.W. 1 and P.W.2 to proceed against O.P. No.2 to 4.

Counsel for the State submits that Section 319 of Cr.P.C. has been made for separate provision. He has categorically stated that consistently the same material against those persons are available in F.I.R. in case diary prior to cognizance and prior to charge framing but at no level any objection was raised but subsequently directly at stage of section 319 of Cr.P.C. no new material, rather on the same material which was already available raising objection by the petitioner may not be entertained. Counsel for the State further submits that the trial court has passed a completely reasoned order on this matter.

Upon hearing the parties and going through the pleadings and the findings of the 2nd Additional Sessions Judge, Nalanda at Bihar Sharif in Sessions Trial No. 223 of 2017 arising out of Bihar P.S. Case No. 474 of 2015, this Court finds that there is no illegality in the order and no need of any correctness and the question of propriety has not been raised.

In this view of the matter, the present Criminal Revision

application has been **dismissed**.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	