

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.138 of 2017

Arising Out of PS. Case No.-64 Year-2011 Thana- WARISLIGANJ District- Nawada

Md. Makbul Alam @ Makbul Alam Son of Nur Mohammad, Resident of
Village +P.O.- Kadirganj, P.S.- Nawada and District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mansoor Alam, S/o Higan Mian,
3. Sarwari Khatoor, W/o Mansooh Alam,
4. Md. Azad, S/o Mansoor Alam,
5. Md. Saddam, S/o Mansoor Alam,
All resident of Village P.O.- Mafigali, P.S.- Warisaliganj, District- Nawada.
6. Mojahiya @ Nanhe, Son of Md. Maboob, Resident of Village- Bipass
Nawada Bhadoni, P.S. + District- Nawada.
7. Kamru Nisha, W/o Najarat Mian, at P.S.- Pakaribarma, District- Nawada.
8. Najarat @ Nusarat, S/o Nasir Mian, at P.O.+P.S.- Pakaribarma, District-
Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Asha Kumari, Advocate
For the Respondent/s	:	Mr. Sri Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-04-2023

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

The present criminal revision application has been
filed against the order dated 29.11.2016 passed in S.Tr. No. 323
of 2013 and 197 of 2016 (arising out of Warsaliganj P.S. Case
No. 64 of 2011).

Counsel for the petitioner submits that the present
application under Section 319 of the Cr.P.C. was filed before the
trial court who upon hearing the same, passed an order in which
the petition filed under Section 319 of Cr.P.C. for summoning
accused persons was rejected. Counsel for the petitioner submits

that at the time of passing order by the Co-ordinate Bench of this Court in Cr. Rev. No. 32 of 2013, court has granting liberty to move to the petitioner at the stage of Section 319 of Cr.P.C.. At this stage, the petitioner has moved before the trial court under Section 319 of Cr.P.C. which has not been entertained.

It transpires from the order dated 29.11.2016 passed by the trial court that in the said sessions trial no material has come by virtue of adducing evidence and therefore, the Addl. Sessions Judge-II has passed a reasoned order and refused to entertain the application filed under Section 319 of Cr.P.C. by the petitioner. It also considers to this Court that in the said order there is neither any illegality nor correctness nor propriety.

Counsel for the State submits that when the question of legality, propriety and correctness are not there, then no question of interference in the said order.

In this view of the matter, the present criminal revision application is hereby dismissed.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	