

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1123 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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1. Raghunath Prasad S/o Late Nageshwar Prasad Gupta
 2. Sanjay Prasad S/o Raghunath Prasad Gupta
Both Residents of Mohalla - Gandhi Chowk, P.S. - Matipur, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate
For the Respondent/s : Mr. Sri Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 13-04-2023

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

The present criminal revision application has been filed
against the order dated 19.09.2016 passed by Xth Additional
Sessions Judge, Muzaffarpur in S.Tr. No. 07 of 2016 arising out
of Motipur P.S. Case No. 163 of 2012 dated 31.07.2012 under
Sections 302 and 209/34 of the I.P.C..

Counsel for the petitioner submits that from the materials
available in the case diary particularly in para-14,15 and 16 as
well as paragraph-39 and 40, it is crystal clear that the victim
lady was not present at the place of occurrence as such from the
case diary, it transpires that the place of occurrence is different

where the dead body was alleged to be recovered.

Counsel for the State submits that until and unless the witness not come forward. Question of discharge cannot be made, as F.I.R. has been lodged under Sections 302 and 209/34 of I.P.C. but police has submitted the charge-sheet under Sections 302/201/34 of the I.P.C. and presently case was committed for sessions trial. Counsel also submits that there was no stay in this case. Case was committed to the sessions in the year 2016 itself, it is 2023, therefore, this matter may become infructuous.

After haring both the parties, it transpires to this Court that question of illegality, propriety and correctness has not been raised by the petitioner. Upon bare perusal of the order dated 19.09.2016 no illegality or correctness requires in the said order and therefore, this criminal revision is hereby **dismissed**.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	