

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57999 of 2019

Arising Out of PS. Case No.-115 Year-2018 Thana- MANIGACHI District- Darbhanga

1. Chalittar Singh @ Chalitra Singh Son of Late Chulhai Singh.
2. Mahesh Singh, Son of Sri Chalittar Singh @ Chalitra Singh.
3. Suresh Singh @ Suresh Kumar Singh Son of Sri Chalittar Singh @ Chalitra Singh.
4. Surendra Singh @ Surendra Kumar Singh Son of Sri Chalittar Singh @ Chalitra Singh.
5. Sita Devi Wife of Sri Chalittar Singh @ Chalitra Singh.
6. Rinku Devi, Son of Sri Mahesh Singh.

All are resident of Village - Barhampura, P.S.-Manigachhi, District- Darbhanga.

... .. Petitioners

Versus

1. The State of Bihar
2. Yogendra Singh, son of late Baleshwar Singh @ Bauku Singh, resident of village- Barhampura, P.S.- Manigachhi, District- Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.13, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-07-2023 None appears for the opposite party no.2.

2. This application has been filed for quashing of the order dated 16.07.2019 passed by learned Additional District & Sessions Judge, VIII, Darbhanga, in Criminal Revision No.112 of 2019, by which the learned Court below has allowed the aforesaid Criminal Revision filed by the opposite party no.2 and remanded the case to the learned Additional Chief Judicial Magistrate,V, Darbhanga for passing fresh order



in accordance with law after setting aside the order dated 23.02.2019 passed by learned A.C.J.M.-V, Darbhanga.

3. The prosecution case is that the accused persons came to the house of the informant (opposite party no.2) and started abusing him on account of land dispute and when the informant objected, the accused persons assaulted him. It is also alleged that when the son and wife of the informant tried to rescue the informant, they were also assaulted by the accused persons. The learned Additional Chief Judicial Magistrate-V, Darbhanga, vide order dated 23.02.2019 took cognizance against the petitioners for the offence punishable under Sections 323, 341 and 504 of the Indian Penal Code. Against the aforesaid order, the opposite party no.2 filed Criminal Revision No.112 of 2019, which was allowed by the impugned order dated 16.07.2019 and remanded the matter to the learned Magistrate.

4. In the opinion of this Court, the revisional order will necessary delayed the litigation. In the interest of justice, this application is allowed and the impugned order dated 16.07.2019 passed by learned Additional District & Sessions Judge, VIII, Darbhanga, in Criminal Revision No.112 of 2019 is hereby set aside.



5. The trial court will proceed in the matter at the stage of framing of charge and examine the fact as to whether any offence under Sections 324 and 307 of the Indian Penal Code are made out or not. Both the parties are at liberty to raise all the grounds at the stage of framing of charge.

(Sandeep Kumar, J)

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