

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.541 of 2017

Arising Out of PS. Case No.-3982 Year-2013 Thana- PURNIA COMPLAINT CASE District-
Purnia

=====

Bijay Kumar Mandal Son of Late Gazanand Mandal, Resident of Village-
Singhia, P.S. K.Nagar (O.P. Champanagar), District Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pradip Kumar Chaudhary Son of Gulab Chand Chaudhary
3. Pramod Kumar Chaudhary Son of Gulab Chand Chaudhary
4. Gulab Chand Chaudhary Son of Late Bishnu Dayal Chaudhary
All are resident of village Singhia, P.S. K.Nagar (O.P. Champanagar),
District – Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr.Ajit Kumar Singh, Advocate
For the State	:	Mr.Umeshanand Pandit,APP
For the O.P.2	:	Mr.Mukesh Kumar Jha,Adv. Mr.Bhola Prasad,Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 28-02-2023 This criminal revision application is directed against

order dated 21.03.2017 passed by learned Chief Judicial

Magistrate, Purnea in C.A. No. 3982 of 2013 whereby and

where under the learned Magistrate has been pleased to hold

that no case is made out against opposite party no. 2 to 4 and

accordingly, dismissed the complaint filed by the petitioner.

The prosecution case, as alleged by the petitioner, is

that he filed a complaint case no. 3982 of 2013 in the court of

Chief Judicial Magistrate, Purnea alleging *inter alia* that there is

land recorded in the survey *khatian* in the name of the ancestors

of the petitioner at Khesra No. 373 measuring an area of 53



decimals in which the petitioner has a Kamat house in the northern side of the road. On the date of occurrence, the petitioner was coming after seeing his land then he saw that all the accused persons were constructing their house at the adjacent Kamat land and when the petitioner forbade them from constructing the house, they became angry and started abusing and assaulting him. One of the accused also tried to press his neck, whereas other accused persons snatched Rs. 1100/- from the pocket and a wrist watch worth Rs. 1500/- from the petitioner. Thereafter, the accused persons asked the petitioner to pay Rs. one lac, as premium, otherwise his land will be captured.

On the basis of aforesaid statement, a complaint, vide complaint case no. CA 3982/ 13 was instituted against opposite party no. 2 to 4 under Sections 147, 148, 323, 325, 341, 384, 447 and 504 of the Indian Penal Code.

It is contended on behalf of petitioner that on 01.03.2014, the statement of petitioner was taken on oath under Section 200 Cr.P.C., who supported the prosecution case, and thereafter, two other prosecution witnesses, namely; Karey Mandal and Md. Jalaluddin were examined and both of them supported the prosecution case.



It is submitted on behalf of petitioner that without appreciating the statement of the complainant (petitioner herein) on S.A. as well as statement of two prosecution witnesses, who fully supported the prosecution case, the learned Magistrate has committed an error by dismissing the complaint filed by the petitioner. The learned Magistrate has dismissed the complaint petition, filed by the petitioner, without assigning any reason.

Before proceeding, it would be appropriate to discuss Section 203 of the Cr.P.C., which states that if, after considering the statements on oath of the complainant and of the witnesses and the result of the inquiry or investigation, the Magistrate is of the opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint by recording reasons.

Section 203 Cr.P.C. consists of two parts. The first part lays down the materials which the Magistrate must consider and the second part states that if, after considering those materials, there is, in his opinion, no sufficient ground for proceeding, he should dismiss the complaint.

In this case, after considering the statement on oath of complainant and the witnesses, the learned Magistrate has come to the conclusion that *prima facie*, no offence is made out and dismissed the complaint. As such, it cannot be said that no



reason has been assigned by the learned Magistrate while dismissing the complaint petition. I do not find any error or irregularity in the impugned order and accordingly, it stands dismissed.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

