

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1149 of 2018

Arising Out of PS. Case No.-233 Year-2017 Thana- MANIGACHI District- Darbhanga

Manjay Yadav S/o Rejendra Yadav, R/o Vill.- Chakchinta Manipur, P.S.-
Manigachhi, Bajitpur O.P., Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fulchand Yadav
3. Uday Chandra Yadav,
4. Devendra Yadav All S/o Chalitra Yadav,
5. Anil Yadav S/o Abhimanyu Yadav,
6. Sunil Yadav S/o Uday Chand Yadav,
7. Abhinanyu Yadav S/o Late Ram Sevak Yadav,
8. Kumarendra Kumar S/o Chhathu Yadav,
9. Mithilesh Yadav S/o Chhathu Yadav,
10. Nirash Yadav
11. Pradip Yadav Both S/o Ramdeo Yadav,
12. Laltun Yadav S/o Late Sitaram Yadav, All R/o Chakchaintamanipur, P.S.-
Manigachhi, Bajitpur O.P., Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha
For the Respondent/s : Mr. Ram Priya Saran Singh

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 12-12-2023 The instant revision has been filed by the

petitioner after expiry of the period of limitation. There is

delay of 24 days in filing the revisional application.

Therefore, the application for condonation of delay is taken

up for hearing.

2. I have heard the learned Advocate for the



petitioner as well as the prosecution.

3. On perusal of the application, I find that the petitioner has been able to make out sufficient ground for condonation of delay and accordingly the delay is condoned.

4. The instant criminal revision be taken to its file.

5. Since the learned APP is representing the prosecution and the State of Bihar is the principal Opposite Party in the instant revision, with the consent of the parties, the revisional application is taken up for hearing.

6. It is submitted by the petitioner in the instant revision that on the self-same incident, there are case and counter case. In the counter case filed by the private opposite parties, the prosecuting agency filed charge-sheet under Section 307 of the Indian Penal Code along with other penal provisions but in the charge-sheet filed in the case instituted at the instance of the petitioner, police has intentionally omitted Section 307 of the Indian Penal Code from the charge-sheet in spite of sufficient evidence in the case-diary.

7. It is also the grievance of the petitioner that the



learned Magistrate took cognizance of the offences under Sections 147, 148, 341, 323, 325 and 504 of the Indian Penal Code.

8. Having heard the learned counsels for the parties, the Court is of the opinion that since the grievance of the petitioner is non-joinder of charge under Section 307 of the Indian Penal Code against the private opposite parties, the revisional Court is not in a position to alter or add any such charge, because the petitioner has adequate remedy for alteration or addition of charge under Section 216 of the Code of Criminal Procedure.

9. For the reasons stated above, I do not find any merit in the instant criminal revision.

10. Accordingly, the instant criminal revision petition is dismissed.

However, this order does not preclude the petitioner to maintain his claim at an appropriate stage in the Trial Court.

(Bibek Chaudhuri, J)

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