

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 20 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Buxar

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1. Saddam Hussain @ Raja Son of Sahabuddin Ansari Resident of Village - Sonbarsa, P.S.- Buxar (Ind), Distt.- Buxar.
 2. Sahabuddin Ansari Son of Late Ram Dayan Resident of Village - Sonbarsa, P.S.- Buxar (Ind), Distt.- Buxar.
 3. Jamuni Bibi W/o Sahabuddin Ansari Resident of Village - Sonbarsa, P.S.- Buxar (Ind), Distt.- Buxar.
 4. Nusarat Bibi D/o Sahabuddin Ansari Resident of Village - Sonbarsa, P.S.- Buxar (Ind), Distt.- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabiya Bibi @ Rabiya Khatoon Wife of Saddam Hussain @ Raja, D/O Md. Israil Resident of Village - Khanke Simari, P.S.- Dawath (Rohtas), Distt.- Rohtas (Sasaram). At Present R/O Radhanath Choudhary Road, Tangra Intali, Kolkata, West Bengal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Respondent/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 12-08-2024

This revision petition has been preferred against the order dated 05.11.2019 passed in Cr Appeal No 41 of 2018 by the learned Additional Sessions Judge III, Buxar whereby the learned appellate Court set aside the order dated 16.05.2018 passed in Miscellaneous Case No 14 of 2017 by the learned ACJM IV, Buxar and remanded the same.



2 Opposite party No 2 had filed a complaint case under Section 12 of the Domestic Violence Act before the learned CJM, Buxar being Complaint Case No 1248 (C) of 2015. Subsequently, it was transferred to the Court of the learned ACJM IV and the learned ACJM IV passed the final order on 16.05.2018. The final order contains direction under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act. Thereafter, the complainant filed a Cr Misc Case No 14 of 2017 on 30.08.2017 alleging therein that the opposite party-husband and other in-laws' family members have not complied with the order dated 16.11.2016 and action under Sections 31 and 32 of Protection of Women from Domestic Violence Act was also sought by the complainant. After hearing the parties, the learned ACJM arrived on the conclusion that the order dated 16.11.2016 has been duly complied with and disposed of the said Miscellaneous Case No 14 of 2017 vide order dated 16.05.2018. Being aggrieved with the said order, the appeal has been preferred by opposite party No 2 which has been allowed by the learned appellate Court vide its impugned order dated 05.11.2019 and the matter has been remitted back to the learned ACJM IV, Buxar.

3 I have heard counsel for both the parties, perused the impugned order as well as other materials available on record.



4 Bare perusal of paragraph 8 of the impugned order clearly shows that in Miscellaneous Case No 14 of 2017, the learned ACJM IV called for a report from the Women Protection Officer as well as from concerned Police Station but without obtaining the said report, the learned lower Court has passed the final order. Hence, on this ground and on other various grounds, the learned appellate Court set aside the order dated 16.05.2018 and the matter has been remitted back to the lower Court with a direction to examine the appellant (applicant) and also to receive all evidences in enquiry produced by the appellant and then to pass an order on the point of cognizance.

5 The above order passed by the learned appellate Court is a well reasoned order.

6 I do not find any infirmity/illegality in the said order.

7 Accordingly, this revision petition is liable to and is hereby dismissed at this stage itself, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2024
Transmission Date	20.08.2024

