

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7889 of 2023

Arising Out of PS. Case No.-75 Year-2010 Thana- MOUZAHDIPUR District- Bhagalpur

Sourabh Kumar Son of Anil Kumar R/O Vill.- Shivaji Colony, Gali No.1,
Sikendarpur, P.S.- Mojahidpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudha Rani Singh Wife of Late Pradeep Kumar Singh R/O Vill.- Vidhyapul
Colony, Sikendarpur, P.S.- Mojahidpur, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-02-2024 Heard learned counsel for the parties.

2. This application has been filed under Section 482 Cr.P.C. for quashing of the order dated 23.04.2022 passed by the Additional Sessions Judge-XIV, Bhagalpur in Cr. Revision No. 136 of 2019 whereby the said criminal revision challenging the order dated 01.07.2019 passed by the Judicial Magistrate, 1st Class, Bhagalpur in GR No. 1616 of 2010A was dismissed.

3. The prosecution case, in brief, is that on the night of 13.06.2010, when the informant had gone to Delhi to meet her son, some thieves committed theft in her house and several ornaments of gold and silver, cash amount of Rs. 3,700/- and one mobile phone were stolen after breaking the gate of the house. Name of the petitioner transpired on the basis of the fact that the petitioner was found talking through the alleged stolen mobile phone.



4. Learned counsel for the petitioner submits that during course of investigation it has come that the petitioner was in love with the daughter of the informant and was using the allegedly stolen mobile phone in question to talk to her even before the commission of theft and as such it cannot be said that the said mobile phone was stolen.

5. Countering the contention made on behalf of the petitioner, learned counsel for the State submits that there is sufficient material available against the petitioner for taking cognizance. He further submits that at the stage of cognizance, materials contained in the F.I.R. and documents produced along with are required to be seen and petitioner has filed a second revision application in the garb of application under Section 482 of the Code of Criminal Procedure as such, this application is fit to be dismissed.

6. Having heard the submissions made on behalf of the parties, this Court is of the opinion that there is no illegality or irregularity in either of the impugned orders dated 23.04.2022 passed by the Additional Sessions Judge-XIV, Bhagalpur in Cr. Revision No. 136 of 2019 and 01.07.2019 passed by the Judicial Magistrate, 1st Class, Bhagalpur in GR No. 1616 of 2010A. The grounds raised by the petitioner



are his defence which can only be considered by leading evidence during trial.

7. This quashing application is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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