

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.279 of 2019

Arising Out of PS. Case No.-1365 Year-2018 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Anil Kumar S/o Late Karmchand Patel Mohalla-Professor Colony, P.S-K.Hat,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Niranjan Kumar Singh S/o Dharendra Narayan Singh, Head Clerk, District
Record Room, Purnia, P.S-K.Hat, Distt.-Purnia, Resident of Mohalla-
Shivpuri, Behind Bal Bharti School, Purnia, P.S-Manaya,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Adv. Mr. Rajeev Kumar, Adv.
For the Respondent/s	:	Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 18-03-2024 The complaint is the petitioner in the instant revision.

On the basis of a written complaint submitted by the complainant against one Niranjan Kumar Singh, an employee of the record room of the Land Revenue Department in the district of Purnea in connection with K.Hat P.S. Case No. 620 of 2017 was registered under Sections 420/ 477A/ 504 and 506 of the I.P.C. On conclusion of investigation, police submitted final report against the accused. The complainant also filed a protest petition-cum-complaint before the learned Chief Judicial Magistrate, Purnea. The learned Chief Judicial Magistrate, Purnea accepted the final report and rejected the protest petition-cum-complaint which was registered as Complaint Case

No. 1365 of 2018 arising out of K.Hat P.S. Case No. 620 of 2017 under Section 203 of the Cr.P.C. with the order dated 06.11.2018. Being aggrieved, the petitioner has filed the instant revision.

2. It is submitted by the learned Advocate for the petitioner that during initial inquiry, the petitioner examined in all three witnesses besides himself. The Trial Court did not consider the statement of the witnesses on solemn affirmation and dismissed the complaint.

3. Section 203 of the Cr.P.C. runs thus:-

“203. Dismissal of complaint.—If, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of the inquiry or investigation (if any) under section 202, the Magistrate is of opinion that there is no sufficient ground for proceeding, he shall dismiss the complaint, and in every such case he shall briefly record his reasons for so doing.”

4. Plain reading of the provision of Section 203 of the Cr.P.C. states that the Magistrate is under obligation to consider the statements on oath of the complainant and of the witnesses and the result of inquiry or investigation, if any under Section 202 of the Cr.P.C. If upon consideration of the statements of oath of the complainant and the witnesses, the Magistrate is of the opinion that there is no sufficient ground for proceeding, he

shall dismiss the complaint. The learned Chief Judicial Magistrate, Purnea did not consider the statement of witnesses no. 1 and 2 on behalf of the petitioner.

5. The dispute relates to delivery of a document relating to record of rights to the complainant. According to the complainant, a certified copy of the record of rights in respect of the subject land was delivered to the complainant but the said record of rights was crossed. When the complainant went to know the said fact as to why it was crossed, the accused took away the certified copy of the record of rights and did not return it when the petitioner wanted to get back the aforesaid document, there was hot altercation and tussle between the petitioner and the accused.

6. I have considered the impugned order, as well as the statement of the complainant and the witnesses. It appears from the impugned order that the learned Chief Judicial Magistrate, Purnea failed to exercise his jurisdiction vested in law and did not consider the evidence of all the witnesses. For the reasons stated above, the impugned order is quashed and set aside. The learned Chief Judicial Magistrate, Purnea is directed to re-consider the case of the complainant in the light of the evidence adduced by the complainant and the witnesses and

pass appropriate order afresh in accordance with law without being swayed over or influenced in any way by the order passed by this Court.

7. The instant revision is accordingly allowed on contest, however, there shall be no order as to cost.

(Bibek Chaudhuri, J)

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