

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.627 of 2019

Arising Out of PS. Case No.-770 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Lalan Singh Son of Late Krishna Dev Singh Resident of Village - Anjana Kot
Tole Bathna, O.P.- Anjana Kot, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Respondent/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 31-01-2024 The petitioner is the so called victim in respect of Motipur P.S. Case No. 770 of 2018. The brother of the victim is the *de facto* complainant who alleged that the victim and his wife were abducted by the family members of his matrimonial home with the help of others. On the basis of the said complaint, Police registered the above mentioned P.S. Case under Sections 363, 365 34 and 120B of the IPC. During investigation, victim was recovered and his statement was recorded under Section 164 of the Cr.P.C. on the prayer made by the Investigating Officer. Subsequently, the victim made an application before the learned Magistrate expressing his willingness to make second



confessional statement before the learned Magistrate. The learned Magistrate by passing the impugned order rejected the said application. Hence the instant Revision.

02. It is needless to say that Section 164 of the Cr.P.C. finds place in chapter 12 of the Cr.P.C. which runs under the heading:-

“Information to the Police and their powers to investigate”

03. By virtue of the provision contained in Section 164 of the Cr.P.C., an accused or a witness may give statement before the learned Magistrate in the aid of investigation. Therefore, for recording statement of a victim witness under Section 164 of the Cr.P.C. for the second time, the Investigating Officer is required to file an application before the learned Magistrate and the learned Magistrate is under obligation to consider as to whether for proper investigation, recording statement of the witness is necessary or not. There is no provision under the statute which permits a witness or a so called victim of any incident to approach the Court for recording his statement for the second time under Section 164 of the Cr.P.C.

04. For the reasons stated above, I do not find any illegality in the impugned order.



05. Accordingly, the impugned order is affirmed and
the instant revision is set aside.

(Bibek Chaudhuri, J)

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