

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.620 of 2019

Arising Out of PS. Case No.-326 Year-2017 Thana- CHAKIA District- East Champaran

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Shobha Devi@Shobha Singh, Wife of Late Jagdish Singh @ Jagdish Chaudhary Resident of Village - Ghanghri, P.S.- Chakia, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonu Kumar, Son of Laliteswar Prasad Singh Resident of Village - Ghanghati, P.S.- Chakia, Distt- Motihari.
3. Rajiv Ranjan Kumar Singh Son of Laliteswar Prasad Singh Resident of Village - Ghanghati, P.S.- Chakia, Distt- Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
		Mr. Sanjay Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5. 31-01-2024 1. An order dated, 11th of October, 2018, passed by the learned Additional Chief Judicial Magistrate-XIII, East Champaran in connection with Chakia P. S. Case No. 326 of 2017, taking cognizance of offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act, against four accused persons and discharging other accused



persons, who are not sent up in the charge-sheet without service of notice, is under challenge by the *de facto* complainant / informant as petitioner.

2. It is the statutory provision that whenever any final report is accepted, discharging any accused, notice is required to be issued upon the *de facto* complainant and *de facto* complainant is entitled to file protest petition. Only on disposal of such protest petition, any order, in accordance with law, may be passed by the learned Magistrate. The impugned order was passed without service of notice to the *de facto* complainant. Therefore, the questioned order is as hereunder: -

“I find no prima facie case is made out against not sent up against accused persons, namely, Sonu Kumar Singh and Rajeev Ranjan Kumar.”

3. The learned Magistrate is directed to issue notice to the informant through jurisdictional Police Station to ascertain as to whether she wants to file any protest petition or not against the decision of the Investigating Officer for not sending up the above-named accused persons for trial.

4. If the *de facto* complainant files protest petition, the learned A.C.J.M. is under an obligation to dispose of the same in accordance with law and pass a reasoned order.



5. The instant revision is accordingly disposed of.

6. The informant, being a widow, whose husband was murdered, will be rendered police protection by the local Police Station on her application to that effect, so that she can file the protest petition without any threat, inducement or coercion by the accused persons.

(Bibek Chaudhuri, J)

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