

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.618 of 2024

Arising Out of PS. Case No.-233 Year-2017 Thana- RANIGANJ District- Araria

Md. Usman @ Usman Miyan Son Of Late Md. Karamat Miyan R/V- Village-
Hasanpur, Kujra Toola, Ward No. 7, P.S.- Raniganj And Distt.- Araria

... .. Petitioner/S

Versus

1. The State Of Bihar Bihar
2. Bibi Hasina Wife Of Md. Yaqub R/V- Hasanpur, Kujra Tola, Ward No. 7,
P.S.- Raniganj And Distt.- Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Adv.
For the Respondent/s : Mr. Dr. Ajeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 05-09-2024 Heard.

2. This revision petition has been preferred by the petitioner/accused being aggrieved with the Order dated 15.05.2024 passed by the learned Special Judge, POCSO Court, Araria in Special POCSO Case No. 17 of 2017, whereby and whereunder, the learned Special Court allowed the application submitted by the prosecution and framed the additional charges against the applicant/accused for the offence punishable under Section 376 of I.P.C. and Section 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that initially charges were framed against the applicant/accused under Section 354(B) of I.P.C. and Section 3,7 and 8 of the



POCSO Act and, thereafter on submission of the application by the prosecution on 01.03.2024, the impugned order has been passed and additional charges were framed. According to the counsel vide impugned order, learned Special Judge reviewed its earlier order which is not permissible. Therefore, on this ground only the impugned order is liable to be set aside.

4. Heard both the counsels appearing for the parties. Perused the impugned Order as well as other materials available on record.

5. Perusal of the record shows that on the basis of the written complaint made by the informant, initially a FIR has been lodged against the petitioner under Section 376 of I.P.C. and Section 4 of POCSO Act. However, after completion of the investigation, charge-sheet has been filed for the offences punishable under Section 354 (B) of I.P.C. and Section 3,7 and 8 of the POCSO Act. Initially, the learned Special Court framed the charges against the applicant on 27.09.2018 for the offences punishable under Section 354 (B) of I.P.C. and Section 3,7 and 8 of the POCSO Act.

5. After examination of the five witnesses, an application as annexed P-4 with this petition has been filed by the prosecution for framing of additional charges against the



applicant. Perusal of the said application as well as perusal of the impugned Order clearly shows that on the basis of other material available on record and further on the basis of statements of five prosecution witnesses, the learned court framed additional charges under Section 376 of I.P.C. and Section 6 of the POCSO Act. Therefore the contention of the counsel for the petitioner that the learned Special Judge reviewed its earlier order is not acceptable. Since, the impugned order has been passed by the learned Special Judge on the basis of material available on record which is neither perverse nor contrary to the record.

6. Thus this revision petition is liable to be and, hereby dismissed at admission stage itself having no merit.

(Arvind Singh Chandel , J)

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