

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 914 of 2022

Arising Out of PS. Case No.-162 Year-2012 Thana- CHAINPUR District- Kaimur (Bhabua)

Meraj Anwer Khan S/o Mashish Khan R/v- Chaukhandi, P.S.- Muffasil, Sasaram, District- Rohtas, Bihar Presently resident of Flat No. 121, Chandra Ganga, Enclabe, Lal Bunglow, P.S.- Chakeri Kanpur, District- Kanpur (Uttar Pradesh)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruby Sabana W/o Meraj Anwer Kha D/o Diwan Absar Hussain Khan R/v- Biur, P.S.- Chainpur, District- Kaimur (Bhabua), Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque

For the Respondent/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 27-09-2024

This revision petition has been preferred by the petitioner being aggrieved with the order dated 29.06.2022 whereby and where under the learned Additional Sessions Judge X, Kaimur at Bhabhua set aside the order dated 16.07.2018 of the learned SDJM, Kaimur at Bhabhua and allowed the appeal preferred by opposite party No 2 and directed the learned Court to pass judgment after taking the evidence of the prosecution by providing reasonable opportunity of hearing and argument of both sides.

2 Facts of the case are that on the basis of a complaint made by opposite party No 2, charge sheet under Sections 341,



323, 504, 379, 506 and 498A/34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act has been submitted before the learned Court below. The learned SDJM framed the charges and after examination of some of the prosecution witnesses, on 03.07.2018, closed the prosecution evidence and after taking the statement of accused under Section 313 of the Cr P C and after hearing both the parties, passed the order of acquittal dated 16.07.2018.

3 Being aggrieved with the said order of acquittal, criminal appeal has been preferred by opposite party No 2 before the learned Sessions Judge and the learned Additional Sessions Judge X, vide its impugned judgment dated 29.06.2022 in Criminal Appeal No 55 of 2018, set aside the order of the learned SDJM and remitted back the matter with a direction to record the statement of prosecution witnesses and after giving reasonable opportunity of hearing to both the parties, pass a fresh judgment. Hence, this revision petition..

4 Heard learned counsel for the petitioner as well as the learned counsel for the opposite parties.

5 Perusal of the entire order sheet of the learned SDJM shows that on 19.02.2013, charges have been framed against the accused persons and after recording the statement of some of the



prosecution witnesses, the learned SDJM closed the prosecution evidence on 03.07.2018. Perusal of the earlier order sheet of the case further shows that on some of the dates, opposite party No 2 was present before the trial Court but she has not been examined by the trial Court for the reasons best known to it. The order sheet further shows that without issuance of any summons to the other witnesses on the subsequent dates, the learned trial Court suddenly closed the prosecution evidence on 03.07.2018 and vide judgment dated 16.07.2018 acquitted the accused as there is no evidence available on record for convicting the accused persons.

6 Perusal of the order sheets clearly shows that the learned trial Court, even after the appearance of opposite party No 2, did not examine her and, without issuing summons/bailable warrant of arrest to other witnesses, closed the prosecution evidence.

7 The learned Additional Sessions Judge X, Kaimur at Bhabhua has rightly set aside the judgment of acquittal passed by the learned SDJM and rightly remanded the matter back to the learned SDJM.

8 Resultantly, I do not find any merit in the revision application. Accordingly, the revision application is dismissed, having no merit.



9 Perusal of the order sheet of the learned trial Court further shows that after passing the impugned order by the learned appellate Court, the record was placed before the learned SDJM for the first time on 26.07.2024. For that, the learned SDJM issued a show cause to the concerned office clerk. Considering the fact that the concerned office clerk has placed the record before the learned SDJM after a lapse of more than two years after passing the impugned order by the learned appellate Court, the District Judge of the concerned district is directed to look into the matter personally and take appropriate action against the erring office clerk.

10 Since it is an old matter pending from 2012, the learned trial Court is also expected to conclude the trial as early as possible preferably within a period of six months from the date of receipt of a copy of this order.

11 A copy of this order be sent to the concerned trial Court judge as well as the concerned District Judge for their information and necessary action.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2024
Transmission Date	04.10.2024

