

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 44 of 2023

Arising Out of PS. Case No.-7 Year-2007 Thana- MOTIPUR District- Muzaffarpur

Shree Ranjan Son Of Late Sukhdeo Thakur R/O Mohalla- Adarsh Colony,
Damuchak, P.S.- Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Deo Singh Son Of Late Brijlal Singh R/O Village- Samir Nagar, P.S.
And District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sanjay Parasmani, Advocate
For the Respondent/s : Mr Ramchandra Sahni, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 02-08-2024

Heard both the learned counsel appearing for the parties.

2 This revision petition has been preferred by the petitioner (informant) of the case being aggrieved with the order dated 15.11.2022 passed by the learned Judicial Magistrate, 01st Class, Muzaffarpur (West) in GR No 47 of 2007 arising out of Motipur PS Case No 7 of 2007 whereby the learned Judicial Magistrate rejected the application filed by the petitioner under Section 216 of the Cr P C for making the additional charge under Sections 420 and 409 of IPC against the accused.

3 Perusal of the impugned order shows that initially FIR has been lodged by the concerned Police Station for the offence



punishable under Sections 409, 420 of IPC. However, after completion of investigation, charge sheet has been filed under Section 504 of the IPC and also the learned Judicial Magistrate took cognizance of the same offence and framed the charges under Section 504 of the IPC.

4 During the course of trial, the petitioner made an application for adding Sections 420 and 409 of the IPC which has been rejected by the Court vide its order dated 20.04.2009 which has been assailed before this Court in Criminal Revision No 851 of 2009 which has also been rejected. Subsequently, the petitioner again preferred an application before the learned Judicial Magistrate for the same relief. That application has also been rejected by the Judicial Magistrate, 01st Class on 21.04.2016 which has again been challenged before this Court being Criminal Revision No 505 of 2016 and the same has again been dismissed vide order dated 12.07.2019 giving liberty to the petitioner to make a fresh petition after recording of the statement of some other witnesses. Thereafter, two witnesses were examined. Then again, the petitioner made his application under Section 216 of the Cr P C which has been rejected by the learned Court below vide the impugned order.



5 Learned counsel for the petitioner submits that though PW 4 has not supported the case of the petitioner herein, however, the petitioner, who obtained certain documents through RTI and were also exhibited before the Court below, the Court below has not considered the above documents.

6 Perusal of the impugned order clearly shows that while deciding the application submitted by the petitioner, the learned Court below examined the statements of PWs 4 and 5 minutely and also examined the documents submitted by the petitioner which he obtained through RTI. The impugned order is a well reasoned order. I do not find any infirmity or illegality in the same.

7 Accordingly, this revision petition is liable to be and is hereby dismissed, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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