

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49993 of 2015

Arising Out of PS. Case No.-70 Year-2012 Thana- CHAPRA TOWN District- Saran

Shivjee Mahto Son of Late Mahabir Mahto, Resident of Village - Ramnagar
Nayatola, Police Station - Chapra Muffasil, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. State of Bihar
2. Bisheshwar Seminary Inter College, Chapra through its Principal, Hira Prasad, P.S. - Chapra Town, District- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Binod Singh, Advocate
For the O.P. No.2	:	Mr. Sanjay Kumar Mishra, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 23-01-2025 At the outset, Mr. Sanjay Kumar Mishra, learned counsel submits that he has been authorized by one, Hira Prasad who has been arrayed as O.P. No.2 but in the present time, the said Hira Prasad is no more and has died after filing *vakalatnama* in this matter, so, he wants to withdraw his *vakalatnama* from this case and in this regard, permission is required.

2. Permission as sought above is granted.

3. Heard Mr. Ram Binod Singh, learned counsel for the petitioner and Mr. Binod Kumar No.3, learned APP for the State.

4. The instant petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') with



a prayer to quash the order dated 23.07.2015 passed by the court of learned Additional Sessions Judge- IX, Saran at Chapra in Criminal Revision No. 92 of 2015 New 97/2015 whereby the order dated 21.03.2014 passed by the Chief Judicial Magistrate, Chapra in connection with Chapra Town P.S. Case No. 70/2012 accepting the final form submitted by the police with a conclusion to close the proceeding against the petitioner, has been set aside.

5. It is submitted by petitioner's counsel that the order dated 21.03.2014 passed by the Chief Judicial Magistrate, Chapra, clearly goes to show that after the submission of final form by the police, notices were sent to the informant through both modes and after getting the service report of that notices, concerned Magistrate accepted the final form but the said fact was not considered by the Revisional Court and that order dated 21.03.2014 was set aside and the matter was remanded back by the Revisional Court to pass a fresh order after hearing both the parties. It has been further submitted by the petitioner's counsel that after filing the instant petition, the cognizance of the alleged offences has been taken in connection with Chapra Town P.S. Case No. 70/2012, so, the petitioner may be given a liberty to challenge the cognizance order.



6. Learned APP for the State has opposed this petition.

7. Heard both the sides and perused the LCR in connection with Chapra Town P.S. Case No. 70/2012 and the same goes to show that in the entire LCR, there is no service report of the notices which are said to have been sent to the informant before accepting the final form, so, the ground taken by the Chief Judicial Magistrate while accepting the final form is not correct and the same has been rightly appreciated by the Revisional Court and with regard to the service of notices upon the informant, a proper discussion has been made in the fourth paragraph of the impugned order and after perusing the LCR, this Court finds no illegality in the findings of the Revisional Court with regard to the service of notices upon the informant, accordingly, this Court finds no merit in this petition and finds no illegality in the order impugned, so, the instant matter stands dismissed with giving a liberty to the petitioner to raise his grievances against the cognizance order before appropriate forum as per the provision of law.

(Shailendra Singh, J)

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