

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40701 of 2025

Arising Out of PS. Case No.-1384 Year-2023 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Aparna Kumari Wife of Prabhat Kumar Ray Resident of Village- Dumri @
Pindauli, P.S.- Katra, Distt.- Muzaffarpur, present address, D/O- Ashok Kumar
Ray, Resident of Village- Baigna, P.S.- Hathauri, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Devi Wife of Sashibhushan Ray Resident of Village- Dumri @
Pindauli, P.S.- Katra, Distt.- Muzaffarpur
3. Sashibhushan Ray Son of Ramyes Ray Resident of Village- Dumri @
Pindauli, P.S.- Katra, Distt.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.
For the Opposite Party/s : Mr. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 01-07-2025

1. Heard learned counsel appearing on behalf of
the parties.

2. Present petition is being filed by the
petitioner for quashing the order dated 18.03.2025,
passed in Cr. Revision No. 273 of 2024, by the Court of
Principal District & Sessions Judge, Muzaffarpur, whereby
the learned court set-aside the order of cognizance dated
05.09.2024, in Complaint Case No:- 1384 of 2023,



against the O.P. No. 2 and 3, filed by the petitioner before the learned court of CJM, Muzaffarpur, wherein after examination of Complainant on S.A. as well as four enquiry witnesses in support of the Complaint Case, the learned J. M. 1st Class (East), Muzaffarpur, took cognizance against the accused persons including petitioners, under Sections 498A, 323, 504/34 of the Indian Penal Code.

3. Learned counsel appearing for the petitioner submitted that the impugned order passed in Cr. Rev. No. 273 of 2024 dated 18.03.2025, was passed without hearing the petitioner and as such petitioner could not place the relevant facts in support of her case before the learned court. It is also pointed out that even notice was not issued to petitioner to join proceedings. It is therefore submitted that without hearing petitioner setting aside of cognizance order prejudice him.

4. Considering aforesaid, this Court *prima-facie* convinced with the argument that depriving petitioner



from opportunity of hearing in criminal revision as mentioned aforesaid prejudiced him.

5. Accordingly, the learned Revisional court is directed to pass fresh order after giving an opportunity of hearing to the petitioner.

6. With aforesaid directions, the impugned order dated 18.03.2025 as passed in Cr. Revision No. 273 of 2024 is hereby quashed/ set aside.

7. Accordingly, the petition stands allowed.

8. Let a copy of the judgment be sent to the learned trial court forthwith.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2025
Transmission Date	02.07.2025

