

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56333 of 2024

Arising Out of PS. Case No.-759 Year-2021 Thana- NAWADA District- Nawada

Md. Farooque Son Of Md. Shahjad Hussain, R/o Village - Pachambha, P.S.-
Kadirganj, Dist- Nawada. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjeet Kumar Son Of Vijay Kumar R/o Village- Islampur Patel Nagar P.S.-
Islampur Dist- Nawada. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md. Shah Nawaz Ali, Advocate
For the Opposite Party/s :	Mr.Md. Mushtaque Alam, APP
For the O.P. No. 2	Mr. Durgesh Nandan, Advocate
	Ms. Puja, Advocate
	Ms. Rashmi Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 23-04-2025

Heard learned counsel appearing on behalf of the parties.

2. The present quashing petition preferred by learned counsel appearing for the petitioner against revision order as passed by Additional Sessions Judge-II, Nawada, where learned A.S.J.-II, Nawada set aside the cognizance order of C.J.M., Nawada dated 30.01.2023, wherein the cognizance was taken for the offences punishable under Sections 341, 323, 419, 420, 504 and 506 of the Indian Penal Code.

3. It would be apposite to reproduce the relevant para-12 of the impugned order, which is as under:-

“12. In the result, this Criminal Revision is hereby allowed, the impugned order dated 13.09.2023 passed by learned A.C.J.M., VI, Nawada in G.R. No. 2592/21 [Nawada (Kadirganj) P.S. Case No. 759/21] is hereby set aside. The



learned trial court is directed to hear the matter afresh and decide the matter in accordance with law considering the facts and circumstances of this case as well as the settled positions of law on these points as discussed above.”

4. During the course of argument, it transpires that fresh order is yet to be passed by the learned Magistrate and the present petition preferred under impression that now this time, the magistrate court in view of the impugned order would not take cognizance.

5. Certainly, the jurisdiction of this Court could not be invoked on the ground of any such presumption as discussed aforesaid, accordingly, the present petition devoid of any merit, same stands disposed of.

6. However, the learned Jurisdictional Magistrate is directed to pass a fresh order preferably within 30 days from receipt of this order.

(Chandra Shekhar Jha, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2025
Transmission Date	23.04.2025

