

In the Court of Sessions Judge, Munger
Criminal Revision Case No.- 09 of 2022

(Arising out of order dated 06.08.2021 passed in
Haveli Kharagpur P.S. Case no. 233 /2020 [G.R. No. 1635/2020])

Sanjay Yadav & another

.....Revisionists

Versus

The State of Bihar & another

..... Opposite parties

DATE OF ORDER: 4th day of April, 2024.

PRESENT: PRAJESH KUMAR
SESSIONS JUDGE,
MUNGER.

ORDER

1. This Cr. Revision is directed against the order dated 06.08.2021 passed in Haveli Kharagpur P.S. Case no. 233 /2020 (G.R. No. 1635/2020) by Sri Bimlesh Kumar, Ld. J.M. 1st class, Munger whereby and whereunder the learned Court took cognizance of the offence u/s 147, 148, 149, 120(B), 121(A), 124 I.P.C.; 3 /4 Explosive Substance Act; 25(1-b)a/26(i)(ii)/35 Arms Act and 10, 13, 16, 18, 20, 21 of UAP Act and committed the case to the Sessions Division.

2. This Criminal Revision is pending since 10.02.2022 and no body is appearing on behalf of the Revisionists to pursue this application. In this situation the Bar was requested to assist the Court for disposal of this revision which is pending since 10.02.2022 upon which learned Advocate Sri Abhishek Kumar Mishra, Enrollment no. BR/1245/2007 Mobile no. 9431418517 offered to assist the Court without charging anything. Accordingly, learned Advocate Sri

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Abhishek Kumar Mishra was appointed *Amicus Curie* on behalf of Revisionists vide order dated 02.04.2024.

3. Learned *Amicus Curie* submitted that the order impugned is bad in law as well as on facts. Learned *Amicus Curie* further submitted that under UAP Act the Court of Magistrate is not empowered to take cognizance and when the Court is not empowered to take cognizance under UAP Act then the Court cannot commit the case to the Sessions Trial Court. Hence, the impugned order is fit to be set aside.

4. Heard and perused the record and impugned order.

5. From perusal of impugned order it transpires that cognizance of the offence punishable u/s 147, 148, 149, 120(B), 121(A), 124 I.P.C.; 3 /4 Explosive Substance Act; 25(1-b)a/26(i)(ii)/35 Arms Act and 10, 13, 16, 18, 20, 21 of UAP Act was taken and it was earlier order and by impugned order only the record was committed to Sessions Division. The order whereby and whereunder cognizance of the offence were taken has not been challenged by the Revisionists.

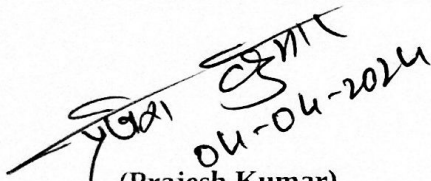
6. As far as non-compliance of section 207 Cr P C is concerned the impugned order shows that police paper was supplied to all nine accused persons. The trial is now going on before the Court of learned Addl. Sessions Judge -III, Munger.

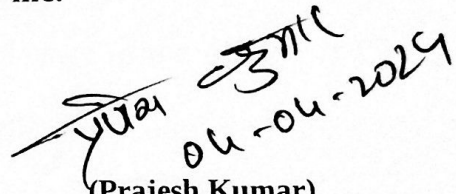
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7. In fact, the impugned order is not an order of commitment as such and as the Magistrate has no power to try a case under UAP Act, hence rightly the record was send to the Sessions Division.
8. In view of above discussions this Court find no merit in this Revision to interfere with the impugned order. The Impugned order is free from illegality, irregularity and impropriety. Accordingly, this Criminal Revision is **Dismissed**.
9. The Trial Court record be sent to the concerned Court immediately. Before parting with the order this Court thanks to Sri Abhishek Kumar Mishra, Ld. Advocate for his assistance as *Amicus Curie*.

The Order is dictated and corrected by me.


(Prajesh Kumar)
Sessions Judge, Munger
Dated:- 04.04.2024


(Prajesh Kumar)
Sessions Judge, Munger
Dated:- 04.04.2024