

Ms. Namita Singh, Addl. Sessions Judge I, Biharsharif, Nalanda.

Criminal Revision no. 175 of 2013

[Arising out of order dated 12.04.2013 in Manpur PS Case No. 42 of 2012]

Arun Kumar vs State of Bihar

Revisionist	1. Arun Kumar , S/o Birendra Kumar Paswan, Resident of Village - Galaudiya Sarai, P.S. - Manpur, District – Nalanda
Represented by	1. Sri Deepak Kumar Rastogi, advocate 2. Sri Ajay Kumar Rastogi, advocate 3. Sri Pramod Kumar, advocate 4. Sri Rajesh Kumar Singh, advocate
Respondent	1. The State of Bihar
Represented by	1. Sri SM Aslam, Addl. P.P.
Date of impugned order	12.04.2013
Date of Filing of Revision Petition	--.05.2013
Date of admission of Revision application	07.05.2013
Date on which order is reserved	21.07.2026
Date of the order	21.07.2026

<i>Date of order of proceeding</i>	<i>Order with the signature of the court</i>	<i>Office action taken with date</i>
21.07.2026	The instant Criminal Revision application has been filed against the order dated 12.04.2013 passed by the learned Chief Judicial Magistrate (C.J.M.), Nalanda in connection with Manpur P.S. Case No. 42/2012, whereby cognizance of offences under Sections 147, 148, 149, 379, 384, and 302 of the Indian Penal Code (I.P.C.) and Section 3(2)(v) of the SC/ST (POA) Act was taken against four accused persons (Sanjay Singh, Ram Sajjan Singh, Ramakant Singh, and Chunmun Singh), but not against the accused Santosh Singh, who was not sent up for trial as per the Final Form / Charge Sheet submitted by	

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cont... 21.07.2026	the Investigating Officer (I.O.). As per the memo of the revision petition, the case of the revisionist is that the impugned order passed by the learned C.J.M. on 12.04.2013 is bad in law as well as on facts. The learned C.J.M. failed to pass a reasoned order while proceeding against the accused, Santosh Singh, and did not discuss the material in the case diary or refer to any specific paragraph to show a lack of evidence against him. Furthermore, the order passed by the learned C.J.M., Nalanda, is vague, sketchy, and cryptic. The informant and another witness in the case diary explicitly named Santosh Singh as an accused who actively participated in the commission of the offence, demonstrating that there is sufficient material available on record to proceed against him. Consequently, there are sufficient grounds to indicate that the order dated 12.04.2013 is fit to be set aside. Neither the Revisionist nor the learned counsel has been appearing or filing attendance in this Criminal Revision since 2017. Since the matter pertains to the year 2013 and Trial Court Records have been received, the revision application is being decided after examining the Case Diary and the materials available on record at the stage of cognizance. Subsequent occurrences or developments that transpired during the course of the trial after the impugned order was passed are not taken into consideration, and the present order is being passed strictly on the basis of the material present in the	
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cont... 21.07.2026	Case Diary. As per the Final Form and the Case Diary, accused Santosh Singh was found to be admitted to the Sub-Divisional Hospital at Barh, Patna, for treatment of jaundice on 03.10.2012 at 09:45 AM (the date and time of the alleged occurrence). Consequently, the Investigating Officer did not send him up for trial due to a verified plea of alibi. Apart from the statement in Para-19 of the Case Diary, none of the other witnesses in the investigation named him or witnessed his participation at the place of occurrence. It is pertinent to note that the Revisionist has failed to implead Santosh Singh as a party respondent in the present revision application. Under Section 401(2) Cr.P.C., no order can be passed to the prejudice of an accused or prospective accused unless he has had an opportunity of being heard. In light of the law laid down by the Hon'ble Supreme Court in <i>Manharibhai Muljibhai Kakadia v. Shaileshbhai Mohanbhai Patel</i>, (2012) 10 SCC 517, an order reversing a Magistrate's decision refusing to summon/take cognizance against a suspect directly prejudices him, making his impleadment mandatory. The non-joinder of Santosh Singh renders this application fatally defective and non-maintainable on this technical ground. Even on merits, upon perusal of the verified alibi during investigation and the material available in the Case Diary, no legal flaw, illegality, or infirmity is found in the	
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cont... 21.07.2026	impugned order dated 12.04.2013 passed by the learned C.J.M., Nalanda. Accordingly, the Criminal Revision Application stands DISMISSED. Let a copy of this order along with the Trial Court Record be sent back forthwith to the court concerned for information and necessary action. Sd/- (Namita Singh) Add. Sess. Judge -I Biharsharif, Nalanda 21.07.2026	
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