

The court of Additional Sessions Judge (ASJ-V)

Danapur, Patna

(Arising out of the order dated 28-08-2023 passed by Judicial Magistrate 1st danapur. In connection Complaint Case no. 183(C)/2023

Criminal Revision 752/ 2023

Anil Kondinya @ Anil Kondilya aged about 60 years S/O of Late Saurya Kumar Resident of Vill- Khoraita, P.S-Bikram, Patna

..... Revisionist / Petitioner

Versus

1. State of Bihar

2. Rajesh Kumar S/O Kamlesh singh Resident of Sambhupura,, P.S-Naubatpur, Dist-Patna

.....Respondent / O.P

Learned counsel for the Revisionist : Ashok Kumar, Ld. Advocate

Learned counsel for Respondent: Shri Ramkeshwar Prasad. A.P.P. for State

Present:

Kumar Risikesh

Additional Sessions Judge-V

Danapur

Dated: 22 day of June 2026.

According to the revisionist this revision is preferred against the order dated 28-08-2023 passed by Judicial Magistrate 1st danapur. In connection Complaint Case no. 183(C)/2023 in which he dismissed the above mentioned Complaint Case. He submitted that the impugned order is bad in Law and on facts. Revisionist further stated that court below erroneously held that the complaint case was filed within 15 days of tendering notice to the accused through registered post. And in the said order it has been erroneously mentioned that complainant has tenders legal notice through registered post on the date 10-07-2023 and filed his complaint case on 22-07-2023. While from the perusal of record it is apparent that legal notice dated 19-01-2023 on behalf of complainant was tendered on 20-01-2023 through the registered post to the accused and after then the instant complaint case was filed on the date 14-02-2023 complainant filed the instant case on 22-07-2023 so how could the Ld. Magistrate pass an order .

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Heard both the sides and perused the record. After bare of perusal of very first order-sheet dated 14-02-2023 it appears that an affidavited complaint petition along with Vakalatnama had been received to the court of Ld. ACJM 1st danapur.

After perusal of impugned order dated 28-08-2023 it appears that Ld. Magistrate has committed an error while appreciating the facts brought by the complainant before him. ***In the final finding of the very order page no -04 Ld. Magistrate mentioned that Complainant filed his case on the date 22-07-2023*** but it evident that the case was **actually filed on the date 14-02-2023** and it is wrong mentioning of the fact regarding the filing date of complaint case.

Accordingly, the revision is allowed and impugned order dated 28-08-2023 passed by Judicial Magistrate 1st danapur in connection Complaint Case no. 183(C)/2023 is being set aside with a direction to pass just and appropriate order after keeping in mind that ***as per para (ii) of ground mentioned on page 07 of revision filed , legal notice dated 19-01-2023 on behalf of complainant was tendered on 20-01-2023 through the registered post to the accused person and complaint case was filed on 14-02-2023.***

Let a copy of this order along with TCR be sent to the Learned concerned court of Judicial Magistrate 1st class - Danapur for information and the needful .

Sd/-
Addition Sessions Judge -V
Danapur . 22-06-2026