

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.28 of 2024**

Arising Out of PS. Case No.-179 Year-2020 Thana- GAYA KOTWALI District- Gaya

Priyanka Rani @ Neha Gupta W/o- Gaurav Kumar resident of Mohalla- A. N. Road, Murarpur, P. S. Kotwali, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naheed D/o- Sirajuddin @ Gudu Mohalla- Patna City Noor Chauraha Ps- Khajekala Dist- Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Verma

For the Respondent/s : Mr. Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL  
ORAL JUDGMENT**

**Date : 04-07-2024**

No one appears on behalf of the respondent no.2

2. Though notice was served to the respondent no.

2, but he did not appear. On 18.03.2024 also no one appeared on behalf of the respondent no.2.

Interlocutory Application No. 01 of 2024.

1. This application has been filed for condonation of 237 days' delay in filing the revision application.

2. For the reasons assigned in the application and the submissions advanced on behalf of the learned counsel for the petitioner, the prayer for condonation of delay is allowed.

The delay in filing the revision application is condoned.

3. The Interlocutory application stands allowed.



1. Heard learned counsel for the petitioner and learned counsel for the State.

2. This revision petition has been preferred by the petitioner being aggrieved by the order dated 10.01.2023 passed by the Special Court, POCSO-cum-A.D.J.-VI, Gaya in connection with POCSO Case No. 29 of 2022 corresponding to Kotwali P.S. Case No. 179 of 2020, whereby and whereunder the learned Special Court has rejected the application preferred by the petitioner for discharge for which a charge-sheet has been filed against him.

3. I perused the impugned order and also gone through the documents annexed with the revision application. Bare perusal of the petition filed by the petitioner shows that the application before learned A.D.J.-VI was preferred for discharging the petitioner on various grounds. While deciding the said application, the learned Special Court rejected the said application without assigning any reason. The learned Special Court had not discussed the facts available on records or considered any grounds submitted by the petitioner for discharge.

4. Having considered the facts and circumstances of the case and the submissions advanced on behalf of the



petitioner, the impugned order is liable to be set aside. Accordingly, the order dated 10.01.2023 passed by the learned Special Court POCSO-cum-A.D.J.-VI, Gaya is, hereby, set aside and the matter is remitted back to the learned Special Court to decide the said mater afresh.

5. However, the Special Court is directed to hear both the parties and pass a reasoned order as early as possible probably within a period of three months from the receipt/production of a copy of this order.

6. Accordingly, the revision application is allowed.

**(Arvind Singh Chandel , J)**

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2024
Transmission Date	10.07.2024

