

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48560 of 2012

Arising Out of PS.Case No. -264 Year- 2007 Complaint Case District- DARBHANGA

=====

Ram Balak Yadav, son of Late Yogi Yadav, resident of Motipur, P.S. - Bahera,
District - Darbhanga

.... Petitioner

Versus

1. The State Of Bihar
2. Baikal Yadav, son of Tara Yadav
3. Baiju Yadav son of Baikal Yadav
4. Ganga Yadav son of Baikal Yadav
5. Halsi Devi Wife of Baikal Yadav

All residents of Village - Motipur, P.S. - Bahera, District - Darbhanga

.... Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Sameer Ranjan, Advocate

For the Opposite Party: APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-04-2015

Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The present application has been filed for quashing
the order dated 13.07.2012 passed in Criminal Revision No.233 of
2010 by the court of learned Additional Sessions Judge, Benipur,
Darbhanga confirming the order dated 30.07.2010 passed by learned
Additional Chief Judicial Magistrate, Benipur in Trial No. 169 of
2010 by which the learned Magistrate has rejected the petition filed
by the petitioner-complainant for taking cognizance under sections
363, 379 and 323 of the Indian Penal Code.

3. This Court is of the view that the present application

is, in substance, a revision petition and in view of the provisions of Section 397 (3) of the Code of Criminal Procedure, the same is not maintainable being the nature of second revision. The petition, accordingly, stands dismissed.

(Vikash Jain, J)

B.T/-

U		T	
---	--	---	--