

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5116 of 2015

Arising Out of PS.Case No. -208 Year- 1998 Thana -BABUBARHI District- MADHUBANI

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Chalitar Rai Son of Bhola Rai resident of village+ P.O. Ghangaur, P.S. Babu Barhi
District Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Adv.
Mr. Sushil Kumar Jha, Adv.
Mr. Ram Bahadur Jha, Adv.
Mr. A. K. Jha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-09-2015

By way of the present application filed under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), the petitioner has challenged the order dated 20.9.2014 passed by the learned Additional District & Sessions Judge, IV, Madhubani in Sessions Trial No. 414 of 2000 whereby trial Court has rejected the petitioner's application filed under Section 340 Cr.P.C. to lodge a complaint against the witnesses who had produced a forged and fabricated document during trial.

In my view, the application is thoroughly misconceived. Any person on whose application any Court other than a High Court

refused to make a complaint under Section 340 Cr.P.C. or against whom such a complaint has been made by such a Court may appeal to the Court to which such former Court is sub-ordinate within the meaning of sub-Section 4 of Section 185 Cr.P.C. under Section 341 Cr.P.C.

In view of the statutory remedy available under Section 341 Cr.P.C., the present application under Section 482 Cr.P.C. is not maintainable. Accordingly, it is dismissed.

(Ashwani Kumar Singh, J.)

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