

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.633 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

Md. Ali Raza, son of late Abdul Razaque, resident of Mohalla-Phulwarisharif
Khalilpura Road, Tamtam Padaaw, P.S. Phulwarisarif, District- Patna

.... Petitioner

Versus

1. The State of Bihar

2. Md. Sarwar Ali, Son of Md. Ali, resident of Mohalla- Kazinagar, P.S.-
Phulwarisharif, District- Patna

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-08-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 07.11.2014 passed in Cr. Revision No. 33 of 2014 by the learned Additional District & Sessions Judge-III, Patna whereby the revision preferred against the order dated 24.04.2013 passed by the learned Sub-Divisional Magistrate, Patna in Case No. 1829(M)/2012 whereby he had vacated the restraint order passed in a proceeding under Section 144 of the Code of Criminal Procedure against opposite party no. 2 has been disposed of in view

of the fact that order of Sub-Divisional Magistrate has manifestly spent its force by efflux of time.

Though the application has been filed under Section 482 of the Code of Criminal Procedure, the same is in the nature of second revision which is barred under Section 397 (3) of the Code of Criminal Procedure. Even otherwise, the revisional order does not suffer from any illegality or irregularity. In view of the provision prescribed under sub-section (4) of Section 144 Code of Criminal Procedure, the order passed by the learned Sub-Divisional Magistrate on 25.04.2013 has lost all its force on expiry of two months from the date of order.

In that view of the matter, I find no merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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