

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.483 of 2015

Arising Out of PS.Case No. -86 Year- 2005 Thana -NAWINAGAR District- AURANGABAD

1. Prabal Singh Son of Late Lachmi @ Lachmi Narayan Singh resident of village -
Mirapur, Police Station - Nabinagar, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-08-2015

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

By filing the present application under section 482 of
the Code of Criminal Procedure, the petitioner seeks quashing of the
order dated 25.08.2014 passed by the learned Adhoc Additional
Sessions Judge-II, Aurangabad in Cr. Revision No. 142 of 2008,
whereby the application for quashing the order dated 26.11.2008
passed by the learned Chief Judicial Magistrate, Aurangabad in
Nabinagar P.S.Case No.86 of 2005 by which he has rejected the
application filed by the petitioner under section 239 of the Code of
Criminal Procedure for discharge has been dismissed.

Though the instant application has been filed under

section 482 of the Code of Criminal Procedure, it is in the nature of second revision and thus barred under section 397(3) of the Code of Criminal Procedure. Even otherwise, I find no illegality in the impugned order dated 25th August, 2014 passed by the learned Adhoc Additional Sessions Judge-II, Aurangabad. The court below has given clear, cogent and convincing reasons for dismissing the revision application.

In that view of the matter, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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