

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.2175 of 2015**

Arising Out of PS.Case No. -80 Year- 2013 Thana -MAHILA PS District- DARBHANGA

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Gurudeo Kumar Sharma, S/o Late Balram Sharma, Resident of village-Bath, P.S-Bath, Distt.-Bhagalpur, at present residing at Mohalla-Pandasarai near Brahma Asthan, P.S-Laheriasarai, Distt.-Darbhanga

.... .... Petitioner

Versus

1. The State of Bihar

2. Sunita Kumari, Wife of Gurudeo Kumar Sharma, D/o Sri Ram Pukar Thakur at present residing at Mohalla-Hasanpur Jitbarpur, P.S-Muffasil, Distt.-Samastipur

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate

For the Opposite Party/s : Mr. B. N. Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 17-09-2015**

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

By way of filing the present application under Section 482 of the Code of Criminal Procedure (For short 'Cr. P.C.'), the petitioner seeks quashing of the order dated 10.10.2014 passed by the learned Adhoc Additional Sessions Judge-4<sup>th</sup>, Darbhanga in Criminal Revision No. 105 of 2014 by which the revision preferred against the order dated 02.12.2013 passed by the learned C.J.M.,

Darbhanga has been dismissed.

One Sunita Kumari (O.P. No. 2), wife of the petitioner, is informant of Mahila P.S. Case No. 80 of 2013 registered under Sections 323, 341, 379 and 504 of the Indian Penal Code. She has stated in the first information report (For short 'IPC') that on 08.08.2013 while she went to C.M. College, Darbhanga to appear in M. Ed. examination, her husband assaulted her with slaps and snatched her golden chain, purse containing valuable documents and Rs. 2,000/- from her.

The police investigated the case and found the allegations to be true under Sections 341, 323 and 504 of the Indian Penal Code. On perusal of the material available on record, the learned Chief Judicial Magistrate found a prima facie case to be made out against the petitioner under Sections 341, 323 and 504 of the Indian Penal Code and, accordingly, summoned the petitioner to face trial vide order dated 02.12.2013. The said order dated 01.12.2013 was challenged in revision by the petitioner before the Sessions Court vide Criminal Revision No. 105 of 2014.

After hearing the parties, vide impugned order dated 10.10.2014, the learned Adhoc Additional Sessions Judge-4<sup>th</sup>, Darbhanga dismissed the aforesaid revision application. Against the said order dated 10.10.2014 the present application has been filed

under Section 482 of the Cr. P.C.

In my view, though the present application has been filed under Section 482 of the Cr. P.C., the same is in the nature of second revision which is barred under Section 397(3) of the Cr. P.C. Even otherwise, I do not find any patent illegality in the impugned order passed by the learned Sessions Judge.

Regard being had to the discussion made hereinabove, I find no merit in this application. Accordingly, the application is dismissed.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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