

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19187 of 2014

Arising Out of PS.Case No. -2449 Year- 2006 Thana -COMPLAINT CASE District- ARRARIA

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1. Sanjay Kumar S/o Jagannath Prasad Yadav @ Jagannath Yadav
 2. Lalita Devi W/o Sanjay Kumar
 3. Jagannath Prasad Yadav @ Jagannath Yadav, S/o Late Raghuwar Yadav and
 4. Tara Devi W/o Jagannath Prasad Yadav @ Jagannath Yadav,
All R/o village- Gorpar, P.S. Salakhua, District- Saharsa.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Ruba Devi W/o Sanjay Kumar D/o Tarniya Yadav, resident of village- Parihari,
P.S. Raniganj, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Rina Sinha, Adv.
For Opposite Party No.2 : Mr. Anil Kumar Anal, Adv.
For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 22-06-2015

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

The present application under section 482 of the Code
of Criminal Procedure (for short 'the Code') has been filed for
quashing the order dated 05.03.2014 passed by the learned Sessions
Judge, Purnea, Camp at Araria in Criminal Revision No. 12/102/2014
arising out of Complaint Case No. 2449 of 2006.

The petitioners have been summoned in a case
instituted under section 498-A of the Indian Penal Code. At the stage
of framing of charge, they filed an application under section 245 of
the Code for discharge. The said application was dismissed by the

court of Magistrate vide order dated 17.12.2013. The aforesaid order dated 17.12.2013 was challenged in revision before the learned Sessions Judge, Purnea, Camp at Araria. Learned Sessions Judge having considered the materials on record rejected the application by a reasoned order on 5th March, 2014. The aforesaid order dated 5th March, 2014 is under challenge before this Court under section 482 of the Code.

Though the application has been filed under section 482 of the Code but, as a matter of fact, the same is in the form of second revision, which is barred under section 397(3) of the Code.

Even otherwise, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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