

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46394 of 2012

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Shanti Pandey, wife of Harimohan Pandey, Resident of Village Turkaha
Tola, P.S. & District Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Rajendra Mishra son of Late Shiv Punjan Mishra, Resident of Village
Jangalia, Wrd No.9, P.S. & District Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No.-5, Advocate

For the Opposite Party : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 16-04-2015

The present petition has been filed for quashing the order dated 10.07.2009 passed by the learned Additional Sessions Judge, F.T.C.–V, Gopalganj passed in Criminal Revision No. 597 of 2008/01 of 2009 arising out of Gopalganj P.S. Case No.420 of 2005 whereby and whereunder the learned court below has set aside the order of cognizance dated 02.09.2008 passed by the learned Chief Judicial Magistrate, Gopalganj and remitted the matter back for passing a fresh order.

2. It is not disputed by learned counsel for the petitioner that against the impugned order, the petitioner has statutory remedy by way of revision before this Court.

3. It is well settled that a petition under Section 482 of the Code of Criminal Procedure would not be maintainable where a remedy by way of revision is available to the petitioner.

4. In that view of the matter, the present petition stands dismissed as not maintainable with liberty to the petitioner to avail the statutory remedy, as may be available to him, in accordance with law.

(Vikash Jain, J)

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