

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.962 of 2015

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Sakaldeo Prasad Mehta son of late Ramdeo Mahto, Resident of Mohalla –
Sandalpur, P.S. Bahadurpur, Distt. Patna

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, (Adv.)

For the Respondent/s : Mr. Roy Shivaji Nath (AAG3)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-09-2015 The present writ petition has been filed under Articles 226 and 227 of the Constitution of India with a prayer to quash the criminal proceeding of Complaint Case No. 958 of 2008 including the cognizance order dated 13.04.2009 and the order dated 04.02.2013 passed by learned Judicial Magistrate, 1st Class, Patna City by which he refused to discharge the petitioner in that case.

This application is a clear example of misadventure on the part of the petitioner. The office has rightly pointed out that the case is not maintainable as for the self same prayer the application of the petitioner seeking discharge from the case was dismissed by a Bench of this Court vide order dated 06.05.2015 passed in Criminal Misc. No. 8523 of 2013.

It is beyond my comprehension that if an application is

rejected under Section 482 of the Code of Criminal Procedure,
how a lawyer could advise his client to file an application under
Articles 226 and 227 of the constitution seeking the same relief.

The application, being thoroughly misconceived, is
dismissed.

(Ashwani Kumar Singh, J)

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