

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.419 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

1. Smt. Savitri Devi, Wife of Late Rajaram Poddar

2. Vishambhar Poddar, Son of Late Rajaram Poddar

Both are resident of-Ghee Gali, Marwari Mohalla, P.S-Town, District-Begusarai

.... Petitioners

Versus

1. The State of Bihar

2. Ramesh Kumar Kotriwal, son of Shyam Sunder Kotriwal, residents of-Ghee Gali, Marwari Mohallah, P.S-Town, District-Begusarai

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-08-2015

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

By way of filing this application under Section 482 of the Code of Criminal Procedure, the petitioners have challenged the order dated 08.07.2014 passed by the learned Additional Sessions Judge-1st, Begusarai in Cr. Rev. No. 501 of 2012 whereby he has rejected the revision application against the order dated 12.07.2012 passed by the learned Sub-Divisional Magistrate, Begusarai in Case

No. 371 of 2012.

In the aforesaid Case No. 371 of 2012 the learned Sub-Divisional Magistrate has passed a conditional order in exercise of power under Section 133 of the Code of Criminal Procedure.

Though the present application is filed under Section 482 of the Code of Criminal Procedure, the same is in the nature of second revision which is barred under Section 397(3) of the Code of Criminal Procedure.

In that view of the matter, in my opinion, the application is not maintainable. Even otherwise, I find no merit in this application. Accordingly, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

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