

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12533 of 2013

Arising Out of PS. Case No. -33 Year- 2004 Thana -SARMERA District- Nalanda

Krishnandan Prasad son of Late Durga Mahto, Resident of Village - Chak Nawada,
Police Station - Pandarak, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. Saudagar Mahto, son of Late Etwari Mahto, Resident of Village - Tora, Police
Station - Sarmera, District - Nalanda

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-05-2015

Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The present application has been filed for quashing
the order dated 17.01.2013 passed in Criminal Revision No.48 of
2012/ 02 of 2012 by the Court of 3rd Adhoc Additional Sessions
Judge, Nalanda at Biharsharif confirming the order dated 25.01.2012
passed by learned Sub-Divisional Judicial Magistrate, Nalanda at
Biharsharif in G.R. Case No.869 of 2004 by which petition for
release of the Mahua tree filed by the petitioner has been rejected.

3. Learned counsel for the petitioner has not been able to
demonstrate on merits that the impugned revisional order suffers
from any infirmity or is perverse in manner. This Court is, therefore,

of the view that in view of the provisions of Section 397 (3) of the Code of Criminal Procedure, the present application cannot be maintained being in the nature of a second revision. The petition, accordingly, stands dismissed.

(Vikash Jain, J)

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