

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40508 of 2012

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Arunava Mitra @ Arunabha Mitra, Son of Late Hari Sadhan Mitra, resident of Mohalla-Amlatola, Katihar, P.S.-Town Katihar, District-Katihar.

.... Petitioner

Versus

1. The State of Bihar.
2. Sanjay Sengupta, son of Late Sri Asit Sengupta, resident of R.P. Road, Mangal Bazar, Katihar, P.S.-Town Katihar, District-Katihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

Mr. Vikash Jha, Advocate

For the State : Mr. Yogendra Kr. Singh, APP

For the O. P. No. 2 : Mr. Bimal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 28-04-2015

The present application under Section 482 of the Code of Criminal Procedure has been filed for setting aside the order dated 09.05.2012 passed by the learned Sessions Judge, Katihar in Criminal Revision No. 01 of 2011 by which the prayer of the petitioner to set aside the order dated 22.11.2010 passed by the learned Judicial Magistrate, Katihar whereby he has directed for framing of charges under Section 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881 in Complaint Case No. 2123 of 2004 has been rejected.

Though the present application has been filed under Section 482 of the Code of Criminal Procedure but, as a matter of fact, it is a second revision which is barred under Section 397(3) of the Code of Criminal Procedure.

Accordingly, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

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