

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7067 of 2013

Arising Out of PS.Case No. -92 Year- 2010 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Amod Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Shardanand Jha (App)

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CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

6 05-05-2015 None appears on calls. Sri O.P.Pandey, Advocate has
appeared on behalf of the Opposite Parties.

The first defect in the petition is that it ought to have been filed under Sections 397 read with Section 398 Cr.P.C as an order to hold further enquiry in a case where the accused has been discharged could be issued only under those provisions. The law is trite that if there are specific provisions in the Cr.P.C. to seek any particular relief, the extraordinary provision of Section 482 Cr.P.C. may not be resorted to.

The other reason for dismissing the present petition is that the Court had applied its mind fully and deeply to the facts of the case and it had passed a reasoned order as to why some accused should be discharged and why a particular charge should not be framed as appears in the case of Section 498A Indian Penal Code.

It is a speaking order passed on material facts leaving no room for this Court to interfere with the petition.

Petition is dismissed.

Let the trial court proceed with the trial.

(Dharnidhar Jha, J)

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