

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30959 of 2013

Arising Out of PS.Case No. -121 Year- 2000 Thana -PATNA COMPLAINT CASE District-
PATNA

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Dr. Shiv Kumar @ Shiv Kumar Singh S/O Sri Ram Nath Singh, resident of
Village Jirakhan Tola, Tata Coloney, P.S- Maner, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Krishna Kumar Singh S/O Late Ramswaroop Singh, resident of village
and Post Jirakhan Tola Coloney, P.S- Maner, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 05-05-2016 Heard Sri Jitendra Kumar Roy, learned counsel for
the petitioners and learned Addl. Public Prosecutor.

The petitioner has approached this Court, invoking
inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, against an order dated 22.04.2013 passed by the
learned Addl. District & Sessions Judge-VII, Danapur in
Cr.Revision No.681/2010. By the said order, the learned Addl.
Sessions Judge has rejected the revision petition preferred by the
petitioner against the order of rejection of discharge petition
passed by the learned Judicial Magistrate, Danapur in Complaint
Case no.121(c)/2000.

Learned counsel for the petitioner submits that in a

land dispute, colour of criminal offence has been given and, as such, complaint case was filed alleging commission of offence under Sections 147, 148, 323 and 379 of the Indian Penal Code. Learned counsel for the petitioner submits that subsequently cognizance order was passed under Sections 147, 323 and 379 of the Indian Penal Code.

I have perused the impugned order as well as the order of the revisional court. Once the rejection of discharge petition has already been approved by the revisional court, normally a petition filed under Section 482 of the Code of Criminal Procedure is considered as second revision, which is barred under Section 397(3) of the Code of Criminal Procedure.

I do not find any ground to interfere with either of the orders. The petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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