

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29919 of 2013**

Arising Out of PS.Case No. -147 Year- 2010 Thana -DURGAWATI District- BHABHUA  
(KAIMUR)

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Ratan Lal Mittal son of Late Ram Chandra Mittal Resident At K-34, Kamal  
Nagar, Behind Roadways Workshop, Kargadh, Moradabad, Police Station +  
District Moradabad (U.P.).

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Amit Kr. Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      02-05-2016      Heard Sri Rajesh Kumar Pathak, learned counsel for the  
petitioner and learned A.P.P.

The petitioner, invoking inherent jurisdiction of this  
court under Section 482 of the Code of Criminal Procedure, has  
prayed for quashing of an order dated 23.2.2013 passed by the  
learned Sessions Judge Kaimur at Bhabhua in Cr. Revision No.  
117 of 2011 whereby revision preferred against the order dated  
19.9.2011 passed by learned Sub Divisional Judicial Magistrate,  
Bhabhua in G.R. Case No. 1632 of 2010 corresponding to Tr.  
No. 2131 of 2011 (arising out of Durgawati P.S. Case No. 147 of  
2010) has been rejected. By the said order the learned Magistrate  
has rejected the petition for discharge filed under Section 239 of

the Cr.P.C.

Learned counsel for the petitioner submits that the petitioner was the owner of the vehicle from which coal was recovered. According to learned counsel for the petitioner without any material on record petitioner has been made accused.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. After going through the impugned order I do not find any apparent error warranting interference. The order of rejection of discharge petition has already been approved by the revisional court and as such, in normal course, a petition filed under section 482 of the Code of Criminal Procedure after rejection of revision is termed as second revision, which is barred under section 397(3) of the Cr.P.C.

I do not find any ground for interference.

The petition stands dismissed.

**(Rakesh Kumar, J)**

Praful/-

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