

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35454 of 2013

Arising Out of PS.Case No. -105 Year- 2002 Thana -PATORI District- SAMASTIPUR

Surendra Jaiswal @ Surendra Paswan son of Late Arjun Prasad Choudhary,
Resident of Village- Hasanpur Surat, Police Station- Patory, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Hariyar Mochi @ Hariyar Ram son of Late Gopi Ram, Resident of Village-
Hasanpur Surat, (Patory), P.S.- Shahpur Patory, District- Samastipur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Jaiswal, Advocate
For the Opposite Party/s : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-08-2016

In the present application preferred under Section 482 of the Code of Criminal Procedure (for short 'CrPC'), the petitioner has challenged the order dated 15.4.2008 whereby the learned Chief Judicial Magistrate, Samastipur has taken cognizance of the offences punishable under Sections 406 and 420 of the Indian Penal Code in Patory P.S. Case No.105 of 2002.

2. The impugned order is not an interlocutory order. It is a revisable order. The limitation for filing a revision is ninety days. The instant application has been filed before this Court on 19.8.2013 i.e., after more than five years from the date of passing of the order. Though the present application is in the nature of revision, it has been

filed under Section 482 of the CrPC as the revision application would have been barred by law of limitation. The petitioner is also unable to explain the present status of the proceeding in the court below.

3. In that view of the matter, I am not inclined to entertain the present application. The application is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.8.2016
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