

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16620 of 2016**

Arising Out of PS.Case No. -82 Year- 2013 Thana -CHAUSA District- MADHEPURA

=====

1. Amresh Modi  
2. Mahesh Modi  
3. Gopal Modi all sons of Dwarika Prasad Modi  
4. Ram Pravesh Modi  
5. Shivjee Modi@Shiv Kumar Modi  
Both sons of Tej Narayan Modi All resident of Village- Fulout , P.S  
Chousa (Fulout O.P) District Madhepura.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Lakhi Modi s/o late Ramdhari Modi Resident of Village- Falaut Purbi,  
P.s Chausa (Fulaut O.P) District Madhepura.

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

=====

**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. J.N.Thakur(App)

=====

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

2      29-09-2016                      Heard Mr. Nafisuzzoha, learned counsel for the  
  
petitioners and Sri Shailendra Kumar Singh, learned counsel who  
  
has voluntarily appeared on behalf of the informant.

Five petitioners have approached this court invoking  
its inherent jurisdiction under Section 482 of the Code of Criminal  
Procedure, 1973 (hereinafter referred to as “Cr.P.C.” ) with a  
prayer to quash an order dated 5.3.2016 passed by learned  
Sessions Judge, Madhepura in Criminal Revision No. 15 of 2015.  
The said Criminal Revision was dismissed by the learned  
Sessions Judge. The petitioners have preferred Criminal Revision



against the order dated 4.2.2015 passed by Sri Ashok Kumar No. II, learned Judicial Magistrate 1<sup>st</sup> Class, Udakishunganj at Madhepura (hereinafter referred to as “Magistrate”) whereby the learned Magistrate has taken cognizance of offence under Section 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code in connection with Chousa P.S. Case No. 82 of 2013, G.R. No. 1637 of 2013. Learned counsel for the petitioners submits that petitioners and informant of the present case are close relatives and there was case and counter case in between the parties. He further submits that as per injury report no offence under Section 307 of the Indian Penal Code is made applicable. He further submits that in between the parties title suit is also pending. On aforesaid grounds he has made a prayer for quashing of the order of cognizance.

Sri Shailendra Kumar Singh, learned counsel for the informant opposing the prayer submits that the order of cognizance has already been approved by the Revisional Court and the present petition which has been filed in the garb of Section 482 of the Cr.P.C. amounts to second Revision which is barred under section 397 (3 ) of the Cr.P.C.

Besides hearing I have perused the materials available on record. Fact remains that the order of cognizance was assailed

by the petitioners before the Revisional Court and Revision has already been rejected. So far question of application of Section 307 of the Indian Penal Code is concerned that can be well examined at appropriate stage by the concerned court itself.

I do not find any ground to interfere with the impugned order.

The petition stands dismissed.

**(Rakesh Kumar, J)**

Praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|