

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36250 of 2013

Arising Out of PS.Case No. -3188 Year- 2008 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Kamla Singh son of Late Jamuna Singh
2. Anil Singh
3. Dilip Singh
4. Arun Singh
2 to 4 are sons of Sri Kamla Singh
5. Vicky Kumar Singh son of Sri Anil Singh
All Resident Of Village Marhaura, P.S. Marhaura, District Saran (Chapra).

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Sri Bhisham Singh son of Late Saryug Singh Resident Of Village
Marhaura, P.S. Marhaura, District Saran (Chapra).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kr Sinha No.2

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 16-05-2016 Heard Sri Ravindra Kumar Sinha No. 2, learned counsel

for the petitioners, Sri Shyam Bihari Singh, learned A.P.P. as
well as Sri Awadhesh Kumar Singh, learned counsel, who has
appeared on behalf of the complainant /opposite party no. 2.

Five petitioners, have approached this court invoking
its inherent jurisdiction under section 482 of the Code of
Criminal Procedure with a prayer to quash an order dated
26.2.2013 passed by the learned Sessions Judge, Saran at Chapra
in Cr. Revision No. 157 of 2012. By the said order the learned
Sessions Judge has rejected the revision preferred by the

petitioners against the order of rejection of discharge petition by the learned Magistrate. The case is for the offence under section 147, 148, 149, 323, 379, 380, 354, 382, 384, 386, 467, 468 of the Indian Penal Code.

At the very outset learned counsel for the complainant/ opposite party no. 2 informs that after rejection of discharge petition which was rejected on 28.3.2012 by the learned Judicial Magistrate in Complaint Case No. C-3188 of 2008, Tr. No. 969 of 2012, charge has already been framed whereas learned counsel for the petitioners disputes the submission made by learned counsel for complainant. However, keeping in view the fact that the order rejecting discharge petition has already been approved by the revisional court normally this court is not inclined to interfere with the matter due to the reason that after rejection of revision petition, a petition filed in the garb of 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.

The petition stands dismissed.

(Rakesh Kumar, J)

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