

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24588 of 2013

Arising Out of PS.Case No. -146 Year- 2012 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Jorbal Sharma, son of Late Awadh Sharma
2. Mollar Sharma, son of Late Laxman Sharma
Both residents of Jhapara Tola, Ward No. 31, Shaharsa Under Nagar
Parishad Saharsa, Police Station and District- Saharsa

.... Petitioners

Versus

1. The State of Bihar
2. Md. Khalil S/O Md. Jamir, resident of Mohalla- Jhapra Tola, Ward No.
31, Saharsa, P.S. + District- Saharsa

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 14-12-2016 Heard learned counsel for the petitioners, learned
Addl. Public Prosecutor as well as Sri Pramod Mishra, learned
counsel, who has appeared on behalf of Opp.Party no.2.

Two 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
16.04.2013 passed by the learned Addl. sessions Judge-III (Ad-
hoc), Saharsa. By the said order, the revision i.e. Cr.Revision
No.97 of 2012 preferred by the petitioners against the order dated
12.05.2012 passed by the Sub Divisional Officer, Sadar Saharsa in
Case No.146 of 2012 was rejected. By the said order, the learned



Sub Divisional Officer had converted the proceeding initiated under Section 144 of the Code of Criminal Procedure into proceeding under Section 145 of the Code of Criminal Procedure.

Learned counsel for the petitioners tried to persuade this Court that without description of land or without sustainable material on the basis of power of attorney, a petition was filed for initiating a proceeding under Section 144 of the Code of Criminal Procedure and subsequently the said proceeding was converted into proceeding under Section 145 of the Code of Criminal Procedure. It has been argued by learned counsel for the petitioners that objection of the petitioners was not entertained.

Besides hearing learned counsel for the parties, I have also perused the materials on record. The Court is of the opinion that normally, once an order passed by the learned Magistrate is affirmed by the revisional court, 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. Moreover, keeping in view the nature of dispute, without examining the matter in detail, the Court is of the opinion that the petition can be disposed of. If so advised, the petitioners may approach the SubDivisional Officer and bring on record relevant material, so that the proceeding



initiated under Section 145 of the Code of Criminal Procedure
may come to its logical end without unnecessary delay.

The petition stands disposed of.

(Rakesh Kumar, J)

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