

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21509 of 2013**

Arising Out of PS.Case No. -1033 Year- 2002 Thana -COMPLAINT CASE District- BANKA

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1. Albert Bulung S/o Late Sylvester Bulung R/o Mohalla- Khorha Toli,  
Pokur P.S.- Sadar, District- Ranchi, At Present Posted As Sr. Deputy  
Collector, Pakur

2. Anwarul Haque S/o Late Ehfazur Rahman R/o Mohalla- Bhikanpur,  
Gumti No. 3 P.S.- Ishakchak, District- Bhagalpur

.... .... Petitioner/s

Versus

1. The State Of Bihar

2. Awadhesh Kumar Singh S/o Late Shankar Prasad Singh R/o Village-  
Gulni Kushaha, P.S.- Shambhuganj, District- Banka

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

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**Appearance :**

For the Petitioner/s :

For the Opposite Party/s :

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

6      08-03-2016                      Heard learned counsel for the petitioners, Sri Vinod  
  
Shankar Modi, learned A.P.P. as well as Sri Anil Kumar Singh ,  
  
learned counsel who has appeared on behalf of the opposite 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 18.2.2013 passed  
  
by the learned Sessions Judge, Bhagalpur in Cr. Revision No. 376  
  
of 2012. By the said order Revision preferred by the petitioners  
  
against the order of cognizance passed in Complaint Case No.  
  
1033(C) of 2002 was rejected. By order dated 23.1.2003 learned

Chief Judicial Magistrate , Banka had taken cognizance of offence under section 427 and 504 of the Indian Penal Code.

Learned counsel for the petitioners while assailing both the orders has argued that on perusal of the complaint petition no offence either under Section 427 or 504 of the I.P.C. is made out. He submits that the petitioners in the case were enlarged on bail in the year 2012 and thereafter they filed a Revision petition with a petition for condoning delay. The delay was condoned on the ground that initially in complaint petition the petitioner no. 1 was not made accused by name but by designation he was made accused. Learned counsel for the petitioners by way of referring to the complaint petition tried to persuade the court that no offence is made out and as such both the orders are liable to be set aside.

Learned A.P.P . as well as learned counsel appearing on behalf of the complainant /opposite party no. 2 have opposed the prayer of the petitioners. It was argued that order of cognizance in this case was passed long back in the year 2003 and after several years the petitioners filed a Revision petition which too was dismissed and only thereafter the petitioners have approached this court assailing both the orders.

Besides hearing learned counsel for the parties I have



perused the material on record. On going through the order of cognizance prima facie I do not find any ground for interference. Moreover the order of cognizance was challenged by the petitioners in Revision filed under Section 397 of the Cr.P.C. and same has already been rejected. Accordingly there is no reason for entertaining the present petition which has been filed in the garb of Section 482 of the Cr.P.C. Virtually this amounts to second Revision which is barred under Section 397(3) of the Code of Criminal Procedure. Moreover the order of cognizance was passed in the year 2003 and for the first time the petitioners challenged the order of cognizance in the year 2013. It is evident that petitioners were alleged to have committed the offence in the capacity of Block Development Officer. From the material on record, particularly the fact that the order of cognizance was passed in the year 2003 and it was assailed in the year 2013 gives an impression in the mind of the court that petitioners have got no respect for the law. I do not find any ground for interference with either of the orders.

The petition stands dismissed.

Keeping in view the fact that the order of cognizance was passed in the year 2003 while dismissing the present petition it is desirable to direct the concerned court to proceed with the

case expeditiously so that the case may come to its logical end without unnecessary delay. Both the petitioners are directed to render full assistance to the court failing which the learned court below would be liberty to take appropriate steps for securing appearance of the petitioners.

The petition stands dismissed.

**(Rakesh Kumar, J)**

Praful/-

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