

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 21932 of 2013

Arising Out of PS.Case No. -2869 Year- 2011 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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Om Prakash Dubay Son of Sri Rameshwar Dubey Resident of Village
Nonia Patti P.S. Siswan District Siwan presently residing in the house of
Smt. Bidhyadhari Devi Srivastva Malviyanagar P.S. Siwan Mufsil District-
Siwan

.... Petitioner

Versus

1. The State of Bihar
2. Dr. Sunil Kumar Son of Sri Narhari Sharma Resident of Mohalla Ramdev
Nagar Mahatva Siwan, P.S. Siwan Muffasil, District Siwan

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj
For the Opposite Party/s : Mrs. Sharda Kumari(App)
Mr. Amir Alam

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 08-03-2016 Heard Sri Harsh Anuj, learned counsel for the
petitioner, Smt. Sharda Kumari, learned Addl. Public Prosecutor
and Mr. Amir Alam, learned counsel, who has appeared on behalf
of complainant/opposite party no. 2.

The petitioner, invoking inherent jurisdiction of this
Court under Section 482 of the Code of Criminal Procedure, has
prayed for quashing of an order dated 05-12-2012 passed in
Criminal Revision No. 202 of 2012, whereby, the learned Sessions
Judge has rejected the revision petition of the petitioner. The said
revision was preferred against order of cognizance dated
04-06-2012 passed in Complaint Case no. 2869 of 2011.

Learned counsel for the petitioner submits that despite the fact that the complainant had already received entire money prior to instituting the case, the complainant has filed the present case, on an allegation that he has given a cheque to the complainant without sufficient amount in his account.

Learned counsel for the complainant/opp. party no. 2 informs that after the order of cognizance, subsequent development has already taken place and till date, two witnesses have already been examined before charge.

The Court is of the opinion that once the order of cognizance was assailed before the revisional court, which did not interfere with the order of cognizance, the present petition, which has been filed in the garb of Section 482 of the Cr.P.C., is certainly barred under Section 397(3) of the Cr.P.C. Moreover, once before charge evidence has already commenced, there is no reason to interfere with either of the orders.

The petition stands dismissed.

(Rakesh Kumar, J.)

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