

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5078 of 2016

Arising Out of PS.Case No. -895 Year- 2005 Thana -PATNA COMPLAINT CASE District-
PATNA

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Gyan Prakash

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Arya

For the Opposite Party/s : Mr. U.L.Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2016

Heard.

The present application has been filed for quashing of the order dated 04.09.2015 passed by learned 1st Additional District & Sessions Judge, Patna City in Criminal Revision No.750/2011 and also the order dated 03.09.2011 passed by learned Judicial magistrate, 1st Class, Patna City in Complaint Case No.895/2005 whereby the petitioner's application for discharge was dismissed.

The learned Additional District & Sessions Judge while exercising the revisional jurisdiction partly allowed the revision by recording that no offence under section 138 of the Negotiable Instrument Act, is made out but with a detailed discussions came to the conclusion that prima facie case for framing of the charge under section 420 IPC is made out.

It is submitted by learned counsel for the petitioner that initially the petitioner challenged the order of cognizance dated 15.07.2006 in Criminal Miscellaneous No.56412/2007 which was disposed of by a co-ordinate Bench of this Court with a liberty to consider the issue at the stage of framing of charge.

In view of this Court that since the petitioner has challenged the order refusing to discharge in revision, and the revisional Court with a detailed discussion has partly allowed the revision, hence, this application under section 482 of the Code of Criminal Procedure amounts to second revision.

Hence, this Court finds no merit in this application. Accordingly, this application, is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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