

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13531 of 2014

Arising Out of PS.Case No. -804 Year- 2010 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

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Mantun Yadav S/O Late Tejo Yadav, resident of Bishnupur, Yadav Tola,
Police Station Begusarai, Town and District Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. Rukmini Devi W/O Late Gango Yadav, Resident of Bishnupur, Yadav
Tola, Police Station Begusarai, Town and District Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Opposite Party/s : Mr. None

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 01-08-2016 Heard Sri Shashi Dhar Jha, learned counsel for the

petitioner. None appeared on behalf of State.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
03.02.2014 passed by the learned Addl. Sessions Judge-II,
Begusarai in Cr.Revision no.494 of 2012. By the said order, the
revision preferred by the petitioner against the order dated
23.05.2012 in Complaint Case no.804 (C) of 2010 passed by the
learned Judicial Magistrate, 1st Class, Begusarai rejecting the
discharge petition filed under Section 245 of the Code of Criminal
Procedure was rejected.

Learned counsel for the petitioner tried to persuade the Court that Complaint was filed falsely after 20 days of the occurrence and during evidence before charge, there were apparent contradictions in the evidences.

Keeping in view the fact that the order rejecting the discharge petition by the learned Magistrate has already been approved by the learned revisional court. Normally, the petition filed in the garb of Section 482 of the Code of Criminal Procedure thereafter is considered as second revision, which is barred under the provision of Code of Criminal Procedure.

The petition stands dismissed.

(Rakesh Kumar, J)

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