

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45004 of 2012

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Sudhir Tiwary @ Sudhir Tiwari, son of Late Kamleshwari Pd. Tiwari,
resident of Mohalla Jogsar (Near Bamkali Asthan) P.S. Adampur, Town
and Distt. Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar
2. Dr. Sanjay Kumar son of Late Bihari Lal
3. Dr. Nilam Kumar wife of Late Arun Kumar, Both Opp. Party no. 2 & 3
residents of Mohalla Mhatama kGandhi Path, Church Road (Kachahari
Chauk) P.S. Tilkamanjhi, Distt. Bhagalpur.
4. Dr. Sanjay Kumar Singh son of Dr. Dilip Kumar Singh resident of
Mohalla Tilkamanjhi, near S.S.P. residence Bhagalpur, Town and Dist.
Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey
For the Opposite Party/s : Mr. Damodar Pd. Tiwari (App)
Mr. Sidharth Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 16-11-2016 Heard Sri Dev Kumar Pandey, learned counsel for
the petitioner, Sri Damodar Prasad Tiwary, learned Addl. Public
Prosecutor as well as Sri Sidharth Prasad, learned counsel, who
has appeared on behalf of opposite party no. 2

The petitioner/complainant has approached this Court
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, 1973, with a prayer to quash an order dated
15-05-2012 passed by the learned Additional Sessions Judge,
F.T.C.- 1st, Bhagalpur. By the said order, Criminal Revision No.
258 of 2011, which was preferred by the petitioner against
rejection of his complaint case i.e. Complaint Case No. 999 of

2010 under Section 203 of the Cr.P.C., was rejected.

Learned counsel for the petitioner submits that both the court below i.e. court of learned Sub Divisional Judicial Magistrate, Bhagalpur as well as learned Additional Sessions Judge have committed error of record in recording a finding that allegation was apparently with respect to civil dispute. He submits that it was a specific case of theft, even then, the learned Sub Divisional Judicial Magistrate has rejected the complaint petition taking the plea that it was a case of civil nature.

The Court is of the opinion that once a complaint after enquiry was rejected and said order was approved by the revisional court, while exercising power under Section 482 of the Cr.P.C., there is very little jurisdiction for this Court to interfere in the matter. Normally, a petition filed under Section 482 of the Cr.P.C., after rejection of revision, is treated as 'second revision' and the same is barred under Section 397(3) of the Cr.P.C. I do not find any ground to interfere with either of the orders.

The petition stands dismissed.

(Rakesh Kumar, J.)

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