

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41167 of 2013

Arising Out of PS.Case No. -88 Year- 2011 Thana -SURYAPURA District- SASARAM (ROHTAS)

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Vikash Kumar son of Krishna Murari Sah, resident of village - Balihar
(Suryapura), P.S. Suryapura, District - Rohtas at Sasaram

.... Petitioner

Versus

1. The State of Bihar
2. Indu Devi W/O Vikash Kumar, D/O Bharat Prasad R/O Mohalla -
Sheoganj, P.S. Nawada (Ara), District - Bhojpur

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 17-05-2016 Heard Sri Randhir Kumar, learned counsel for the

petitioner, learned Addl. Public Prosecutor as well as Sri Manoj

Kumar Singh, learned counsel for the informant/Opp.Party no.2.

The petitioner, who is husband of the
informant/Opp.Party no.2, 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 06.08.2013
passed by the learned Addl. Sessions Judge-IV, Rohtas at
Sasaram. By the said order, the learned Addl. Sessions Judge has
rejected Cr.Revision No.46/2013 filed by the petitioner against the
order of rejection of discharge petition i.e. order dated 06.02.2013
passed by the learned Sub Divisional Judicial Magistrate,

Bikramganj in Surajpura P.S. Case no.88/2011 registered for the offence under Section 498(A) of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The learned Magistrate has rejected the petition for discharge filed under Section 239 of the Code of Criminal Procedure.

Learned counsel for the petitioner tried to persuade the Court that the informant is not a legally wedded wife of the petitioner, whereas learned counsel for the informant submits that the informant is a legally wedded wife of the petitioner and she is having a baby child aged about five years, which has been born from the wedlock of the petitioner and the informant.

Be that as it may, keeping in view the fact that the order of rejection of discharge petition has already been approved by the revisional court, the present petition, which has been filed in the garb of Section 482 of the Code of Criminal Procedure, amounts to second revision, which is barred under Section 397(3) of the Code of Criminal Procedure.

Besides hearing learned counsel for the parties, I have also perused materials available on record. I do not find any apparent error warranting interference with the order of rejection of discharge petition. The petition stands dismissed.

NKS/-

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(Rakesh Kumar, J)