

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3402 of 2016

Arising Out of PS.Case No. -388 Year- 2005 Thana -KHAZANIHAT District- PURNIA

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Pawan Yadav @ Pawan Kumar Yadav, son of Sharda Nand Yadav resident
of Village Kabeya, P.S. K. Hat, O.P. Maranga, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Smt. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 01-09-2016

In this case, the petitioner is challenging the order dated 30.09.2015 passed in Criminal Revision No.254 of 2015 by the Sessions Judge, Purnea, whereby the Sessions Court has refused to interfere with the order dated 15.12.2009 passed by the Judicial Magistrate-I, Purnea, in G.R. No.2020 of 2015.

This is the second revision, which is completely barred under Section 397(3) of the Code of Criminal Procedure Code. However, on merit also it appears from the order of the Sessions Court that the said mobile was recovered from the pocket of the petitioner.

Learned counsel for the petitioner submits that mere recovery of mobile from the pocket will not be treated that the mobile was in possession of the petitioner and so much so

signature of the petitioner was not there in the seizure list.

These facts can be seen in the trial. In such view of the matter, this application is not maintainable on law as well as on facts. Accordingly, this application is dismissed.

(Shivaji Pandey, J)

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