

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1177 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

Vijay Laxmi, wife of Mithilesh Kumar Singh, R/o Village- Shitalpur, Naya Tola (Siwana), P.S.- Dariyapur, District- Saran at Chapra. A.N.M. Primary Health Centre Lahladpur Health Sub Centre, Dyalpur, P.S. Janta Bazar, District- Saran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Devendra Prasad Singh, B.H.W. Additional Primary Health Centre, Derni, P.S.- Derni, District- Saran. At present P.H.C. Dariyapur, P.S.- Dariyapur, District- Saran
3. Dr. Dilip Kumar Singh, Child Specialist Sub Divisional Hospital, Bikramganj, Rohtas, District- Sasaram
4. Dr. Akhileshwar, In-charge, Medical Officer, Dariyapur, P.S.- Dariyapur, District- Saran
5. Dr. Dilip Singh, P.H.C., Parsa, at present Referral Hospital, Sonapur, P.S.- Sonapur, District- Saran

.... Respondents

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Respondent/s : Mr. U. S. S. Singh, GP-01

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-03-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the order dated 11.05.2015 passed by the learned Additional District and Sessions Judge, Vth, Saran at Chapra in Cr.

Revision No. 41 of 2014 as contained in Annexure-7 by which the revision application filed by the petitioner against the order dated 03.01.2014 passed by the learned Chief Judicial Magistrate, Saran at Chapra in Complaint Case No. 3458 of 2012 as contained in Annexure-6 to the present application dismissing the complaint in exercise of power conferred under Section 203 of the Code of Criminal Procedure (for short “Cr.P.C.”), has been upheld and the revision application has been dismissed.

I have heard learned counsel for the petitioner, learned counsel for the State and carefully perused the evidence on record.

Though the present application has been filed under Articles 226 and 227 of the Constitution of India, the same is in the nature of second revision, which is barred under Section 397(3) CrPC. Even otherwise, I do not find any material illegality or irregularity in the impugned revisional order passed by the learned 5th Additional Sessions Judge, Chapra.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

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