

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26244 of 2013

Arising Out of PS.Case No. -448 Year- 2009 Thana -SIWAN COMPLAINT CASE District-
SIWAN

- =====
1. Gajala Begam wife of Faiyaz Hussain
 2. Nazama Begam wife of Raj Mohamad
 3. Nazarana Begam wife of Hamidmian
 4. Nur Jahan Begam wife of Khush Mohamad
 5. Shaida Begam wife of Dost Mohamad
 6. Nur Janat Begam @ Nur Jallat Begam wife of Ezaz Hussain
 7. Nur Jahan Begam wife of Sahzada Hussain
- All Resident Of Village Jamalpur, P.S- Andar, Distt- Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Mahamuddin Mian son of Late Karimmian Resident Of Village & P.S- Andar, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Nath Mishra
For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 28-11-2016 Seven petitioners, have 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 22.11.2012 passed by learned 1st Additional Sessions Judge, Siwan, whereby the learned Additional Sessions Judge has rejected the Revision i.e. Cr. Rev. No. 196 of 2012 which was preferred by the petitioners against an order dated 30.7.2012 passed by the learned Judicial Magistrate 1st Class in C. No. 376 of 2005 (arising out of Ander P.S. Case No. 55 of 2005) . The learned Magistrate has

rejected the petition filed under section 205 of the Cr.P.C. on behalf of the petitioners. Since the order passed by the learned Judicial Magistrate 1st Class was already approved by the Revision Court there is no reason to entertain the present petition.

Sri Ram Anurag Singh, learned Additional Public Prosecutor submits that the present petition is barred under section 397 (3) of the Cr.P.C.

Besides hearing I have perused the material available on record. Primarily the court is of the opinion that once a Revision which was preferred by the petitioners against order of learned Judicial Magistrate has been rejected , a petition filed in the garb of Section 482 of the Code of Criminal Procedure 1973 amounts to second Revision which is barred under Section 397(3) of the Cr.P.C. and not maintainable.

The petition stands dismissed.

(Rakesh Kumar, J)

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