

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 42517 of 2013

Arising Out of PS.Case No. -643 Year- 2008 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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Ram Prit Manjhi S/O Sri Mathura Manjhi, Resident of Village- Rajapur,
P.S- Kateya, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. Ali Haider son of not known, Resident of Village - Near of Punjab
National Bank Chandra Gokhul Road, Gopalganj, P.O+ P.S+ District-
Gopalganj. At Present Panchayat Sachiv, Karkatha Panchayat C/O Sri
Baijnath Mishra Mishrouli, P.S- Belhikhas, P.S- Kateya, District-
Gopalganj.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
Mr. Dhramveer

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 21-06-2016 Heard Sri Ranjan Kumar Jha, learned counsel, who
was assisted by Sri Dhramveer, learned counsel for the petitioner
and Sri Sadanand Paswan, learned Special P.P.

The petitioner-complainant has approached this Court
invoking its inherent jurisdiction with a prayer to quash an order
dated 01-02-2013 passed by learned Adhoc 1st Addl. Sessions
Judge, Gopalganj in Criminal Revision No. 128 of 2012/23 of
2013. By the said order, learned Adhoc Addl. Sessions Judge has
rejected the revision preferred by the petitioner against an order
dated 30-01-2012 passed by learned Judicial Magistrate 1st Class,

Gopalganj in Complaint Case No. 649 of 2008 (643 of 2008) Tr. No. 286 of 2012. The learned Magistrate has rejected the prayer of the petitioner to frame the charge under Section 3(i)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short SC/ST Act).

Learned counsel for the petitioner tried to persuade the Court that there was sufficient material to frame charge under the provision of SC/ST Act, however; instead of framing charge for offence under the provision of SC/ST Act, the learned court below has only considered offences under the Indian Penal Code.

The Court is of the opinion that once a prayer for adding charge under the provision of SC/ST Act was rejected by the learned Magistrate and same has been approved by the revisional court, in normal course, a subsequent petition filed in the garb of Section 482 of the Cr.P.C. may be termed as 'second revision', which is barred under Section 397(3) of the Cr.P.C.

The petition stands dismissed.

Before parting, I may observe that rejection of this petition may not prejudice either party.

(Rakesh Kumar, J.)

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