

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38129 of 2013

Arising Out of PS.Case No. -713 Year- 2003 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Nagendra Kharwar Son of Bandhan Kharwar
2. Bandhan Kharwar Son of Late Kauleshwar Kharwar
Both residents of Village - Pachgawan, P.S. - Semera, District - West
Champaran

.... Petitioners

Versus

1. The State of Bihar
2. Ranjana Devi, Wife of Sugriw Kharwar at present residing at Village -
Medhawal Mathia, P.S. - Ram Nagar, District - West Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Binay Kant Mani Tripathi
For the Opposite Party/s : Mr. Nityanand Tiwary(App)
Mr. Milind Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 16-05-2016 Heard Sri Binay Kant Mani Tripathi, learned counsel
for petitioners, Sri Nityanand Tiwary, learned Addl. Public
Prosecutor as well as Sri Milind Kumar Mishra, learned counsel,
who has appeared on behalf of complainant/opposite party no. 2.

Two petitioners, who are brother-in-law and father-in-
law of the complainant/opposite party no. 2, have approached this
Court invoking its inherent jurisdiction under Section 482 of the
Cr.P.C., with a prayer to quash an order dated 15-04-2013 passed
by 3rd Addl. Sessions Judge, Bagaha in Criminal Revision No.
198(C) of 2012. By the said order, learned Sessions Judge has
rejected the revision preferred by petitioners against the order
dated 17-07-2012 passed by learned Sub-Divisional Judicial

Magistrate, Bagaha in Complaint Case No. 713 of 2003/Tr. No. 3382 of 2013 rejecting the petition for discharge under Section 245 of Cr.P.C.

Learned counsel for petitioners submits that petitioner no. 2 is elderly person aged about 78 years and as such, this Court may interfere with the impugned order. He further submits that husband of the complainant was residing separately and as such, there is no question for commission of offence under Section 498(A) of the Indian Penal Code, whereas, learned counsel for complainant/opposite party no. 2 submits that there are sufficient materials for framing of the charges. He submits that before charge, witnesses examined had supported the prosecution case.

Be that as it may, since order of rejection of discharge petition has already been affirmed by the revisional court, there is no reason to entertain the present petition, which has been filed in the garb of Section 482 of Cr.P.C. Normally, such petition is treated as 'Second Revision', which is barred under Section 397(3) of Cr.P.C.

The petition stands dismissed.

(Rakesh Kumar, J.)

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