

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53973 of 2013

Arising Out of PS.Case No. -590 Year- 2010 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Hari Singh son of Late Kuldeep Singh
 2. Shravan Kumar @ Tantan Singh S/O Hari Singh
 3. Pawan Kumar @ Tullu Singh S/O Hari Singh
 4. Munna Mian S/O Kayum Ansari
 5. Momina Khatoon W/O Kayum Ansari

All residents of Village Gondarbigha, Police Station Hisua, District
Nawada.

.... Petitioners

Versus

1. The State of Bihar.
2. Ajay Singh S/O Late Bishun Singh, resident of Village Gondarbigha,
Police Station- Hisna, District Nawada.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee

For the Opposite Party/s : Mr. D.P.Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-07-2016 Heard Sri Gaurang Chatterjee, learned counsel for

the petitioners and Sri Damodar Prasad Tiwary, learned Addl.

Public Prosecutor.

Five petitioners have approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order dated
03.04.2013 passed by learned Judicial Magistrate, 1st Class,
Nawada in Complaint Case no.590/2010, whereby the learned
Magistrate has held that there is sufficient material for framing of
charge under Sections 325, 379, 447 of the Indian Penal Code.

The petitioner has also prayed for quashing of an order dated 25.10.2013 passed by learned 1st Addl. Sessions Judge, Nawada, whereby Cr.Revision preferred by the petitioners against the order of the learned Magistrate dated 03.04.2013 was rejected.

Sri Chatterjee, learned counsel for the petitioners submits that on record, there is no injury report. He further submits that there is no material for offence under Section 379 of the Indian Penal Code.

Besides hearing learned counsel for the parties, I have also perused the materials on record including the impugned orders. On perusal of the impugned orders, it is evident that the order of the learned Magistrate was approved by the revisional court and, as such, the present petition, which have been filed in the garb of Section 482 of the Code of Criminal Procedure, may be considered as second revision, which is barred under Section 397 (3) of the Code of Criminal Procedure.

The petition stands dismissed.

(Rakesh Kumar, J)

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