

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32388 of 2013

Arising Out of PS.Case No. -269 Year- 2007 Thana -DARBHANGA COMPLAINT CASE District-DARBHANGA

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1. Ramakant Jha Son of Late Nageshwar Jha R/O Mohalla-Badir Narayan Road, Shubhankarpur, P.S.-Town Thana, Distt-Darbhang

.... Petitioner/s

Versus

1. The State of Bihar
2. Rani Jha Wife of Manohar Shankar Jha R/O Mohalla-Shubhankarpur, P.S.-Town Thana, Distt-Darbhang

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B. Shekhar Thakur, Adv.

For the Opposite Party/s : Mr. M. Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2016

The petitioner was summoned vide order dated 22.09.2011 passed by the learned Judicial Magistrate, Darbhanga in connection with Misc. Case No. 34 of 2010 corresponding to C.R. No. 269 of 2010 to stand trial for the offences punishable under Sections 448, 323 and 380 of the Indian Penal Code. The aforesaid summoning order dated 22.09.2011 was challenged by the petitioner by filing revision application bearing Cr. Rev. No. 315 of 2011 before the learned Sessions Judge. The said revision application has been dismissed vide order dated 02.01.2013 passed by the learned Additional Sessions Judge, Darbhanga. The aforesaid order dated 02.01.2013 has been challenged in the present application preferred

under Section 482 of the Code of Criminal Procedure.

2. It would be evident from perusal of the record that the complainant has supported the allegations made in the complaint in her statement on oath. In course of enquiry, a witness was also examined in support of the complaint and on the basis of the materials collected during enquiry, summoning order dated 22.09.2011 was passed by the learned Magistrate. It would further be evident from perusal of the impugned order dated 02.01.2013 that cogent reasons have been assigned by the revisional court while dismissing the revision application preferred by the petitioner against the summoning order.

3. I do not find any illegality or irregularity in the impugned order passed by the revisional court. Even otherwise, the present application preferred under Section 482 of the Code of Criminal Procedure is in the nature of second revision, which is barred under Section 397(3) of the Code of Criminal Procedure.

4. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	----
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