

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6744 of 2016

Arising Out of PS.Case No. -40 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Upendra Kumar, son of late Baidnath Mahto, resident of village Balakipur,
P.S. Dalsingsarai, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

2. Deepak Kumar Singh, son of Late Deo Narain Singh, resident of village
Basadhiya, P.S. Dalsingsarai, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Arun Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-02-2016

By way of the present application preferred under

Section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the order dated 31.08.2012 passed by the learned Judicial Magistrate 1st Class, Dalsingsarai, Samastipur in Complaint Case No. 40 of 2012, corresponding to T.R. No. 1212 of 2014, whereby, after taking cognizance of the offence under Section 420 of the Indian Penal Code, the petitioner has been summoned to face trial.

It has been contended that the petitioner had earlier moved this Court for the same relief, vide Cr.Misc. No. 42685 of 2012, which was dismissed by order dated 14.05.2015 passed by the then Chief Justice.

After some arguments, learned counsel for the

petitioner seeks leave to withdraw the present application in view of the specific bar created under Section 362 CrPC, which prescribes that no Court, when it has signed its judgment or final order disposing of a case, shall alter or review the same except to correct a clerical or arithmetical error.

Leave is granted. The application is dismissed as withdrawn.

(Ashwani Kumar Singh, J)

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