

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31769 of 2013

Arising Out of PS.Case No. -211 Year- 2009 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Aftab Alam, Son of Rahman Mian, Resident of Village-Narval Barval, P.S.-
Bagaha, District-West Champaran

.... Petitioner

Versus

1. The State of Bihar

2. Sahera Khatoon Wife of Aftab Alam, D/O Harun Master, Resident of
Village-Narval Barval, P.S.-Bagaha, District-West Champaran

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 06-05-2016 Heard Sri Prithvi Nath Mishra, learned counsel for

the petitioner, learned Addl. Public Prosecutor as well as Sri
Suresh Prasad Sharma, learned counsel, who has appeared on
behalf of the complainant/Opp.Party no.2.

Earlier notice was issued to Opp.Party no.2.
Thereafter the Complainant/Opp.Party no.2 has appeared through
her counsel. Learned counsel for Opp.Party no.2 submits that there
is no possibility of settlement. He submits that the petitioner has
solemnized second marriage.

The present petition has been filed with a prayer to
quash an order, whereby Cr.Revision i.e. Cr.Revision No.120 (C)
of 2012 filed by the petitioner against the order dated 14.03.2012

passed by the learned Addl. Chief Judicial Magistrate, Bagaha in Complaint Case no.211 of 2009, where the petition filed on behalf of the petitioner for his discharge was rejected in a case for offence under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that initially the petitioner had filed a complaint against his wife/Opp.Party no.2 and other family members and only thereafter, the present case was filed by the complainant against the petitioner. In sum and substance, he submits that the present complaint petition has been filed maliciously. He submits that the learned Magistrate without applying its judicial mind has rejected the discharge petition and the same error has been committed by the learned Addl. Sessions Judge.

Besides hearing learned counsel for the parties, I have also perused the materials available on record, particularly the order, whereby the petition for discharge was rejected. There is no apparent error warranting interference. Moreover, the order rejecting the discharge petition of the petitioner has also been approved by the learned Addl. Sessions Judge. Once the revision is rejected against the order of discharge, a petition filed under Section 482 of the Code of Criminal Procedure amounts to second revision, which is barred under Section 397(3) of the Code of

Criminal Procedure. Besides this I do not find any error in either of the orders. The petition stands dismissed.

Keeping in view the fact that complaint was filed in the year 2009, while dismissing the present petition, it is desirable to direct the court below to proceed with the case for its expeditious disposal.

(Rakesh Kumar, J)

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