

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1024 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- EAST CHAMPARAN
(MOTIHARI)

- =====
1. Sheikh Iliyas
 2. Sheikh Md. Yunus
 3. Moinuddin

All are sons of Late Sheikh Rahman and resident of Village Imadpur near I.B.P.
Petrol, P.S.- Chakia, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar
2. Mohammad Moinuddin, son of Late Mohammad Nayeem, resident of Village Imadpatti, P.O. Barachakia, P.S. Chakia, District- East Champaran.
3. Sheikh Ahad Hussain, son of Late Sheikh Nasir, resident of Village Imadpur, near I.B.P. Petrol, P.S.- Chakia, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Shrivastava, Adv.

For the Respondent/s : Mr. Sanjeet Kumar Tiwari, A.C. to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-02-2016

By way of the present application preferred under Articles 226 and 227 of the Constitution of India, the petitioners seek quashing of the order dated 6th August, 2015 passed by the learned Additional Sessions Judge XIII, East Champaran at Motihari in Cr.Revision No. 139 of 2012, whereby and whereunder the revision application preferred against the order dated 3rd February, 2012 passed by the learned Sub Divisional Magistrate, Chakia in Case No. 616M of 2011 has been dismissed.

It would be evident from the record that the learned Sub Divisional Magistrate, Chakia had passed the aforesaid order dated

03.02.2012 in a proceeding under Section 133 of the Code of Criminal Procedure.

I have heard learned counsel for the petitioners and learned counsel for the State and perused the impugned order dated 6th August, 2015, as contained in Annexure-5 to the present application.

Though the present application has been filed under Articles 226 and 227 of the Constitution of India, the same is in the nature of second revision, which is barred under section 397(3) of the Code of Criminal Procedure. Even otherwise, I do not find any illegality or irregularity in the revisional order passed by the learned Additional Sessions Judge, XIII, East Champaran, Motihari.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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