

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47926 of 2016

Arising Out of PS.Case No. -384 Year- 2014 Thana -BAHERA District- DARBHANGA

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1. Santosh Mishra son of Srinath Mishra, resident of village- Tarauni, P. S. Bahera, District Darbhanga
 2. Vandan Mishra, wife of Santosh Mishra, resident of village- Tarauni, P. S. Bahera, District Darbhanga
 3. Sanjay Mishra, son of Srinath Mishra, resident of village- Tarauni, P. S. Bahera, District Darbhanga
 4. Subodh Yadav son of late Ram Charan Yadav resident of village- Tarauni, P. S. Bahera, District Darbhanga
 5. Ganesh Yadav, son of Gopi Yadav resident of village- Tarauni, P. S. Bahera, District Darbhanga

.... Petitioner/s

Versus

1. State of Bihar
 2. Puja Mishra, wife of Santosh Mishra, resident of village Tarauni, P. S. Bahera, District Darbhanga
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 08-12-2016

Heard learned counsel for the parties.

2. It is the submission of behalf of the petitioners that though the police did not submit charge-sheet for the offences punishable under Sections 341,342,323,354,379 read with Section 34 of the Indian Penal Code, learned Assistant Chief Judicial Magistrate, Benipur has taken cognizance of those offences also and the offence punishable under Section 504 of the Indian Penal Code. He has submitted that there is no material in the case diary to indicate the commission of the offence under various



provisions of the Indian Penal Code of which cognizance has been taken.

3. It appears that the petitioners had filed a criminal revision being Criminal Revision No. 43 of 2016 in the Court of learned Sessions Judge, Darbhanga, which has been dismissed by an order, dated 08.06.2016. In the present application filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code), the said revisional order, dated 08.06.2016 and the order passed by the learned A.C.J.M, is being assailed.

4. I am not inclined to entertain this application for two reasons. Firstly, this application filed under Section 482 of the Code is for all practical purpose appears to be a second revision application filed by the petitioners after having lost before the Court below, which is not maintainable. Secondly, if it is the case of the petitioners that no offence is made out under various Sections of the Indian Penal Code of which cognizance has been taken, they shall have the remedy at the time of framing of charge.

5. For the aforesaid reasons, this application is dismissed.

(Chakradhari Sharan Singh, J)

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