

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19325 of 2014

Arising Out of PS.Case No. -20 Year- 2007 Thana -C.B.I CASE District- PATNA

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Shashikant Mishra son of late Shiv Kant Mishra resident of Village & P.O.- Mangurah, P.S. - Govindganj, District - East Champaran at present Flat no. D-10, Prashray Apartment, near Arrah Garden , Bailey Road, Jagdeo Path, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Central Bureau of Investigation.
2. Dr. Kashyap, Superintendent of Police, Officer-in-charge, Police Station , CBI/ACB/Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the Opposite Party/s : Mr. Bipin Kumar Sinha (SC/CBI)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 11-08-2016 Heard Sri Abhay Kumar Singh, learned counsel for the petitioner and Sri Bipin Kumar Sinha, learned Standing Counsel for the C.B.I.

The petitioner, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 19-02-2014 passed by learned Sessions Judge, Muzaffarpur in Criminal Revision No. 203 of 2013. By the said order, the revision filed by the petitioner against order dated 07-08-2012 passed by learned Special Judicial Magistrate (C.B.I.), Muzaffarpur was rejected. By order dated 07-08-2012, learned Special Judge, C.B.I. in Case No. RC-20(A)

of 2007, T.R. No. 16 of 2013 had rejected the petition filed on behalf of petitioner for discharge under Section 239 of the Cr.P.C.

At the very outset, Sri Sinha, learned C.B.I. counsel informs that after rejection of discharge petition, adequate development has taken place before the court below. He submits that after framing of charge, evidence has already commenced.

Moreover, once revision, preferred against rejection of order of discharge petition, was rejected, there is no question to entertain the present petition filed in the garb of Section 482 of the Cr.P.C., which normally amounts to second revision, barred under Section 397(3) of the Cr.P.C. Moreover, since trial has already commenced, there is no point to further examine the order.

The petition stands dismissed.

(Rakesh Kumar, J.)

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