

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23562 of 2013

Arising Out of PS.Case No. -2 Year- 1989 Thana -PIPRA District- SUPAUL

Rajesh Choudhary @ Mushahru Choudhary @ Rajesh Kumar son of Mahavir Choudhary, resident of village- Bathnaha, P.S.- Pipra, District- Supaul

.... Petitioner/s

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2. By way of the present application preferred under Section 482 of the Code of Criminal Procedure (for short 'CrPC'), the petitioner has challenged the order dated 7.3.2013 passed by the learned Additional District and Sessions Judge, Saharsa whereby the revision application filed by the petitioner against the order dated 16.6.2012 passed in Pipra P.S. Case No.2 of 1989 registered under Sections 25(1-A), 26 and 35 of the Arms Act as well as Section 307 of the Indian Penal Code has been dismissed.

3. By the aforesaid order dated 16.6.2012, the petitioner had been declared permanent absconder under the provisions of Section 299 of the CrPC. It would be evident from the record that the FIR of

the aforesaid case was registered on 10th January, 1989 and the investigating officer has submitted charge-sheet against the petitioner and others on 6th August, 1989 whereafter cognizance of the offence against the petitioner was taken on 13th December, 1989 and since then despite all efforts taken by the Sub Divisional Judicial Magistrate, the petitioner evaded to appear before the court as a result of which the petitioner was declared absconder. Considering all these aspects the revisional court dismissed the revision application preferred against the order dated 16.6.2012.

4. In view of the facts stated above, I do not find any infirmity in the order passed by the revisional court. Even otherwise, the instant application under Section 482 of the CrPC is in the nature of second appeal, which is barred under Section 397(3) of the CrPC.

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

(Ashwani Kumar Singh, J)

Md.S./-

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Transmission Date	