

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28359 of 2013

Arising Out of PS.Case No. -100 Year- 2011 Thana -HATHAURI District- SAMASTIPUR

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1. Gajendra Singh @ Gajendra Prasad Singh son of Dinesh Mandal
2. Sanjeet Kumar son of Dinesh Mandal
3. Santosh Kumar son of Dinesh Mandal
All are Resident Of Village Sahru, P.S. Hathauri, District Samastipur.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Madan Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-04-2016 Heard Sri Pramod Mishra, learned counsel for the
petitioners and Sri Madan Kumar, learned A.P.P.

The petitioners, in the present petition filed under section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 16.2.2013 passed by the learned Sessions Judge , Samastipur in Cr. Revision No. 553 of 2012. By the said order the learned Sessions Judge has rejected the revision petition preferred by the petitioners against the order dated 19.7.2012 passed by learned Additional Chief Judicial Magistrate, Rosera in Hathauri P.S. Case No. 100 of 2011 registered for the offence under section 25 (1-B)A/ 26/ 35 of the Arms Act. Petitioners have also prayed for quashing of order of rejection of discharge petition passed by the learned Additional Chief Judicial Magistrate.

Learned counsel for the petitioners submits that petitioners were falsely implicated in this case and learned Magistrate without assigning detailed reason has rejected the discharge petition and same error was committed by the learned Sessions Judge.

Besides hearing, I have also perused the materials available on record. On going through the record it is evident that all the petitioners were arrayed as accused in the F.I.R. and after order of cognizance when stage of charge arrived, petition for discharge was filed, which was rejected on 19.7.2012 by assigning succinct reason. Order of rejection of discharge petition has also been approved by the revisional court. Once order of rejection of discharge petition was approved by the revisional court, normally a petition filed under section 482 of the Code of Criminal Procedure may not be entertained keeping in view the fact that it amounts to second revision, which is prohibited under section 397(3) of the Cr.P.C. Besides this, I have examined both the orders and I do not find any ground for interference.

The petition stands dismissed.

(Rakesh Kumar, J)

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