

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40962 of 2013

Arising Out of PS.Case No. -383 Year- 2008 Thana -TAJPUR District- SAMASTIPUR

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1. Md. Shakil
2. Md. Moiuddin
3. Md. Shaihid @ Md.Shail, all sons of Md. Shoaib.
4. Md. Shoaib, S/o Late Amir Hasan
All Resident of Vill- Mohammadpur Deopar, P.S- Pusa District -
Samastipur

.... Petitioners

Versus

1. The State of Bihar
2. Md. Naushad Alam Son of Late Ali Hussain R/O- Vill- Mohammadpur
Deopar, P.S- Pusa, Distt- Samastipur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Abul Kalam

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 17-05-2016 Four petitioners, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 21-09-2012 passed by learned Sessions Judge, Samastipur in Cr. Revision No. 366 of 2012. The learned Sessions Judge has rejected the revision petition, which was preferred against order of rejection of discharge petition dated 10-02-2012 passed by learned Judicial Magistrate 1st Class, Samastipur in G.R. No. 2489 of 2008/Tr. No. 1260 of 2012 (arising out of Tajpur P.S. Case No. 383 of 2008) registered for the offence under Sections 341, 323, 379, 436 & 504 of the Indian Penal Code.

Sri Nagendra Prasad, learned Addl. Public Prosecutor submits that there is no error in the order of rejection of discharge petition and said order has already been approved by the revisional court.

Keeping in view the fact that order rejecting discharge petition has already been approved by the revisional court by way of rejecting Cr. Revision No. 366 of 2012 and the present petition, which has been filed in the garb of Section 482 of Cr.P.C., can be treated as second revision, which is barred under Section 397(3) of the Cr.P.C.

Dismissed.

(Rakesh Kumar, J.)

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