

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51033 of 2013

Arising Out of PS.Case No. -63 Year- 2007 Thana -SIWAN CITY District- SIWAN

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1. Bairister Tiwary S/O Late Bhagrasan Tiwary
2. Dilip Manjhi S/O Sitaram Manjhi
Both residents of Village- Matuk Chapra, P.S- Barkagaon, Police
Station- Sarai (Pachrukhi), District- Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-07-2016 Two petitioners, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 16.09.2013 passed by the learned Sessions Judge, Siwan in Cr.Rev. No.176/2009. By the said order, the learned Sessions Judge has rejected the revision preferred by the petitioners against the order dated 17.07.2009 passed by the learned Judicial Magistrate, 1st Class, Siwan in Tr. No.2139/2009 arising out of Siwan Town (Sarai) P.S. Case no.63/2007 registered for the offence under Section 25(1-B)A, 26, 35 of the Arms Act. By the said order, the learned Magistrate has rejected the petition for discharge filed on behalf of the petitioners.

Sri Madan Kumar, learned Addl. Public Prosecutor

submits that since against the order of rejecting the discharge petition, revision preferred by the petitioners was already rejected, this petition filed under Section 482 of the Code of Criminal Procedure may not be entertained in view of the fact that it amounts to second revision, which is barred under Section 397(3) of the Code of Criminal Procedure.

Since the order rejecting the discharge petition was already affirmed in the revision, there is no reason to further examine the matter.

The petition stands dismissed.

(Rakesh Kumar, J)

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