

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4283 of 2016

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1. Binda Sahani @ Binod Sahani @ Bindeshwar Sahani S/o Ram Ji Sahani
2. Yogi Sahni S/o Late Chaturi Sahni
3. Dilip Sahni S/o Fannu Sahni
All resident of Village- Amsaur, P.S.- Khanpur, Distt- Samastipur.
..... Petitioners

Versus

1. The State of Bihar
2. Dev Narayn Sah @ Dev Narayan Sahani S/o Late Raj Narayan Sah @
Rajo Sah, Resident of Village- Nathudwar, P.S.- Khanpur, Distt-
Samastipur.
..... Opposite Parties

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Appearance :

For the Petitioners : Mr. Mukesh Kumar No-1, Advocate
For the Opposite Parties : Mr. Raj Ballabh Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The present application has been filed for setting aside
the order dated 31.07.2014 by which the learned Sub-Divisional
Magistrate, Samastipur has passed an order under Section 146(1)
of the Cr.P.C.

Learned counsel for the petitioners submits that
on the same set of materials placed earlier, the order was set
aside and in the present impugned order, the learned
Magistrate has once again reiterated the same situation and
passed orders under Section 146(1) of the Cr.P.C. He further
submits that against the impugned order, the petitioners have
also preferred a revision application, which has been

dismissed for the reason that the order of the Magistrate was passed on an interlocutory order against which no revision is maintainable.

Learned counsel appearing on behalf of the State submits that the order under reference which is sought to be set aside in the present application, is an interlocutory order against which the petitioners had preferred a revision application. The present application for quashing the order of the learned Magistrate is but in the nature of second revision and therefore, not maintainable.

Having considered all facts and circumstances of the case and after perusing the respective orders, I find no merit in this application. It is accordingly dismissed.

(Anjana Mishra, J.)

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