

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27394 of 2013

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Raj Kumar Singh, son of Ramashish Singh, resident of village Padadiya,
P.S. Ghorasahan, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-04-2016

Heard Sri Sunil Kumar No. III, learned counsel for the
petitioner and Sri Pramod Kumar Pandey, learned A.P.P.

The petitioner, invoking inherent jurisdiction of this
Court under Section 482 of the Code of Criminal Procedure, has
prayed for quashing of an order dated 26.4.2013 passed by
learned District and Sessions Judge, East Champaran, Motihari.
By the said order the learned Sessions Judge has rejected the Cr.
Revision No. 8 of 2013 which was preferred by the petitioner
against the order of cognizance dated 8.10.2012 passed by learned
Sub Divisional Judicial Magistrate, Sikrahana at Motihari, East
Champaran in Ghora-Sahan P.S. Case No. 87 of 2012 . By the
said order the learned Magistrate has taken cognizance of offence
under Section 7 of the Essential Commodities Act.

Learned counsel for the petitioner tried to persuade the
Court that on perusal of the materials available on record no

offence under Section 7 of the Essential Commodities Act is made out.

Learned A.P.P. has opposed the prayer of the petitioner. He submits that in the garb of a petition filed under Section 482 of the Code of Criminal Procedure, virtually the petitioner has filed second revision, which is prohibited under Section 397 (3) of the Code of Criminal Procedure. Once the order of cognizance was affirmed by the learned Sessions Judge in revision, normally a second petition though filed under Section 482 of the Code of the Criminal Procedure can be termed as second revision, which is barred under Section 397(3) of the Cr.P.C.

I do not find any ground to entertain the petition.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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