

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.547 of 2016

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1. Bharat Lal Rai Son of Chandeshwar Rai, Resident of Village- Parari,
Post- Radhour, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Respondent/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 07-02-2017 The present application under Sections 397 read with Section 401 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the **Code**) has been placed under the heading "Orders" with certain defects having been pointed out by the Registry. However, considering the facts and circumstances, I consider it appropriate to dispose of the application at this stage itself because in my view, this application is frivolous and lacks *bona fide* for the following reasons:-

(i) The order which has been impugned is dated 18.01.2007. This application has been filed more than nine years after passing of the order. I do not find any cogent explanation in the petition for making this application after more than nine years.

(ii) The petitioner seeks setting aside of the said



order dated 18.01.2007, whereby his application seeking discharge under Section 239 of the Code has been rejected, which arises out of Sursand P. S. Case No. 21 of 2004. The petitioner is said to have obtained employment as *Siksha Mitra* on the basis of forged *Madhayama certificate*.

Learned counsel for the petitioner has referred to certain documents in order to convince this Court that the certificate of *Madhayama* obtained by the petitioner cannot be said to be forged and even if the document is forged, the petitioner cannot be blamed since it was issued by an Institution. According to him, only the management of the Institution is to be blamed for providing the petitioner a forged certificate.

At this stage, in a criminal revision jurisdiction, this Court cannot look into those documents, which are in the nature of defence, which can be relied upon by the petitioner at the trial.

(iii) This application was filed on 26.05.2016 without filing any limitation petition. On 22.10.2016, this matter was listed before the learned Joint Registrar (Judicial) pointing out certain defects. There was no representation on behalf of the petitioner before the Joint Registrar (Judicial). Four weeks time was allowed to the learned counsel for the petitioner to remove the defects including the defect of filing



a limitation petition. The defects, however, could not be removed and in that view of the matter, the case has been listed under the heading "Orders" today.

For all these reasons, I am not inclined to keep this matter pending, which is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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