

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10592 of 2017

Arising Out of PS.Case No. -2 Year- 2009 Thana -GOVERNMENT OFFICIAL COMP. District-
DARBHANGA

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Mukesh Kumar Singh Son of Late Saryug Prasad Singh, Resident of Village-
Sinuara, Police Station Bahadurpur, District, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-12-2017

The petitioner was made accused in a case under
Section 47(a) of the Excise Act. After holding trial, the learned Sub-
Divisional Judicial Magistrate, Darbhanga, vide order dated
02.04.2014, found him guilty and, on the same day, he was
sentenced to undergo R.I. for two years.

2. The petitioner challenged the aforesaid order dated
02.04.2014 passed by the learned Sub-Divisional Judicial
Magistrate, Darbhanga in the court of Ad-hoc Additional Sessions
Judge-IV, Darbhanga, vide Cr.Appeal No. 23 of 2014. After hearing
the parties, the appellate court dismissed the appeal, vide judgment
dated 10.12.2014 and cancelled the bail bond of the petitioner. The
petitioner was directed to surrender before the court of Magistrate in



order to serve the sentence.

3. On receipt of the judgment passed by the appellate court, the learned Magistrate, vide order dated 23.01.2015, directed the petitioner to surrender before the court to serve the sentence. Since the petitioner failed to appear before the court of Magistrate pursuant to the order dated 23.01.2015, non-bailable warrant of arrest was issued against him.

4. Being aggrieved by the issuance of non-bailable warrant of arrest, the petitioner preferred the revision application, vide Cr.Revision No. 194 of 2016, in the court of Sessions Judge, Darbhanga, which was dismissed vide order dated 28.07.2016. The petitioner has challenged the said revisional order in the present application.

5. In the opinion of this Court, as the petitioner failed to challenge the judgment passed by the court of Ad-hoc Additional Sessions Judge-IV, Darbhanga in Cr.Appeal No. 23 of 2014 dismissing his appeal against the judgment of conviction passed by the learned Magistrate, the order of the appellate court attained finality and no fault can be found in the order passed by the learned Magistrate whereby his bail bond was cancelled. The revision application before the learned Sessions Judge itself was also not maintainable.



6. In that view of the matter, this application under Section 482 of the Cr.P.C. also lacks merit. Resultantly, the application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13-12-2017
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