

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44114 of 2012

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Sanjay Vishwakarma S/O Late Hari Nandan Vishwakarma R/O Mohalla-
Ram Sahay Lane, P.O.-Mahendru, P.S.-Pirbahore, Distt/Town, Patna

.... Petitioner

Versus

1. The State Of Bihar
2. Sri Krishna Bihari Singh S/O Late Jai Nath Singh R/O Mohalla-Haripur
Colony, Digha, P.S.-Digha, Distt/Town-Patna

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the State : Mr. C.B.Prasad (APP)
For the Opp. Party no.2 : Mr. Dharendra Kumar Jha, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

6 23-11-2017

This Criminal Miscellaneous has been filed for quashing the order dated 24.09.2012 passed by the learned Sessions Judge, Patna in Criminal Revision No. 464 of 2012 and also for quashing the order dated 28.06.2012 passed by Sri Ghanshyam Singh, the then Judicial Magistrate, 1st Class, Patna in Complaint Case No. 2408 (C) of 2005, whereby and whereunder, the petition under section 245 of the Cr.P.C. for discharge of the petitioner has been rejected holding that earlier the same prayer has already been rejected by order dated 14.07.2011 and the criminal court has got no power to review or recall the order and as such again the petition filed dated 24.05.2012 was rejected.

Heard the learned counsel for the petitioner, the



learned A.P.P. for the State and the learned counsel for the opposite party no.2.

From perusal of the impugned order dated 28.06.2012 it reveals that the petitioner and two other accused filed a petition on 24.01.2011 under section 245 of the Cr.P.C. which after hearing was rejected by order dated 14.07.2011 and against that order two accused filed revision in the court of the District & Sessions Judge which was dismissed and then the petitioner again filed a petition under section 245 of the Cr.P.C. on 24.05.2012 which after hearing was rejected holding that the court has got no power to review its earlier order and against that order dated 28.06.2012 Criminal Revision No. 464 of 2012 was filed which was also rejected at the admission stage itself being devoid of merit.

The learned Magistrate has rightly held that this court has got no power to review its own order. Against the order dated 14.07.2011 the petitioner neither filed revision nor Criminal Miscellaneous for quashing the said order and thereafter again filed application under section 245 of the Cr.P.C. on 24.05.2012 and as such the learned Magistrate has rightly rejected the petition of the petitioner and the revision was also rightly rejected at the admission stage itself being devoid of merit.



There is no illegality, incorrectness or impropriety in the impugned orders and as such finding no merit in this Criminal Miscellaneous, the same stands dismissed.

(Jitendra Mohan Sharma, J)

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