

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.191 of 2016

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Krishna Choudhary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rajesh Kumar, Adv.

For the State : Mr. Prabhat Kumar, AC to GA XI

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 17-05-2017 Heard Mr. Ramakant Sharma, learned Senior Counsel for the petitioner and Mr. Prabhat Kumar, learned Assistant Counsel to Government Advocate No. XI.

This application, under Order XLVII Rule 1 of the Civil Procedure Code, has been filed for review of the order, dated 10th July, 2014, passed in L.P.A. No. 1061 of 2013, whereby the Division Bench refused to exercise its discretionary power in favour of the appellant, who is alleged to have committed fraud and is being prosecuted for the offences punishable under the provisions of the Indian Penal Code and Prevention of Corruption Act, 1988.

Mr. Ramakant Sharma, learned Senior Counsel,



for the petitioner, submitted that on equity, the appeal of the petitioner ought to have been allowed by the Division Bench.

On the other hand, learned Counsel for the State submitted that after taking into consideration all the relevant facts and law involved in the case, the Court consciously refused to exercise its discretion in favour of the petitioner and if the petitioner was aggrieved by the order, he ought to have challenged the same by way of filing an appeal.

We find force in the submission made by the learned Counsel for the State.

We see no merit in this application as no error, apparent on the face of record, could be pointed out by learned Senior Counsel appearing for the petitioner, warranting review of the order, dated 10th July, 2014.

Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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