

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52135 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- DARBHANGA

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Anjum Ara Begam wife of Md. Samiuddin Residing at village - Bheriyahi, P.S. Keoti, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar.
2. Md. Niraley son of Lal Mohamad Residing at village Bheriyahi, P.S. Keoti, District Darbhanga.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Jha, Advocate
For the State	:	Mr. Gopesh Kumar, APP
For O.P. No.2	:	Mr. Ratnakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of opposite party no.2.

2. The opposite party no.2 earlier had approached the Sessions Court by filing a criminal revision against the order dated 18.12.2012, passed in a proceeding under Section 138 Cr.P.C., the same was disposed of by order dated 07.11.2013 but it was again challenged in another revision application and the same was disposed of by the impugned order dated 20.08.2014 modifying the operative portion of the earlier order dated 07.11.2013 passed in earlier revision application. There is no provision in the Code of Criminal Procedure to review or modify the earlier order passed by the court except correction of arithmetical or clerical error in view of Section 362



Cr.P.C., so the Ad hoc Additional Sessions Judge, IV, Darbhanga has reviewed the earlier order which is beyond his jurisdiction, so non-est in the eye of law. Accordingly, order dated 20.08.2014, passed by learned Ad hoc Additional Sessions Judge, IVth, Darbhanga in Criminal Revision No.164 of 2013 is set aside.

3. The quashing application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.11.2017
Transmission Date	24.11.2017

