

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42578 of 2013

Arising Out of PS.Case No. -1777 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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Ashish Kumar Jaiswal, S/o Sri Nand Kumar Jaiswal Resident of Village-
Jageshwarpur, P.S- Kahalgaon, Distt- Bhagalpur at present residing at 41, Jamin
Korrattur Pndhu Chatrams, Chennai- 6000124

.... Petitioner

Versus

1. The State of Bihar
2. Jai Kumar Bhagat S/o Late Tej Narayan Bhagat, Resident of Village-
Jageshwarpur, P.S- Kahalgaon, District- Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the State : Dr. Indihar Kumari, APP
For the opposite party no.2: Dr. Manoj Kumar, Advocate
Ms. Sweety Sinah, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-04-2017

Heard learned counsel for the petitioner and learned
counsel for the opposite party no.2.

2. This application under Section 482 of the Code of
Criminal Procedure (for short 'Cr.P.C.') has been filed for quashing
the order dated 12.08.2013 passed by the learned Sessions Judge,
Bhagalpur in Cr. Revision No. 203 of 2013 whereby the revision



against the summoning order dated 04.05.2013 passed by the learned Judicial Magistrate 1st Class, Bhagalpur in Complaint Case No. C-1777 of 2012 has been dismissed.

3. It would be evident from the record that on the basis of the materials available in the complaint, statement of the complainant and the statement of witnesses recorded in course of inquiry under Section 202 of the Cr.P.C., the learned Magistrate summoned the petitioner to face trial under Sections 341, 323 and 504/34 of the Indian Penal Code vide order dated 04.05.2013. The aforesaid order dated 04.05.2013 was challenged by the petitioner in Cr. Revision No. 203 of 2013 before the learned Sessions Judge, Bhagalpur. The learned Sessions Judge, Bhagalpur vide reasoned order dated 12.08.2013 dismissed the revision application whereafter, the present application under Section 482 of the Cr.P.C. has been filed

4. From perusal of the aforesaid order dated 12.08.2013 passed by the learned Sessions Judge, Bhagalpur, I do not see any apparent illegality or irregularity in the order. The order is based on the evidence available on record.

5. In that view of the matter, apart from that there is no merit in this case, I am also of the opinion that this application filed under Section 482 of the Cr.P.C. is barred under Section



397(3) of the Cr.P.C., as it amounts to second revision.

6. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2017
Transmission Date	19.04.2017

