

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.357 of 2017

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

- =====
1. Guddu Kumar Singh @ Guddu Singh, Son of Sri Ram Chandra Singh
 2. Saurabh Singh, Son of Sri Ram Chandra Singh
- Both are residents of Mohalla Sipahi Tola, P.S. Khazanihat (Madhubani),
District Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Shivaji Singh, Advocate
For the State : Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-09-2017

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioners have preferred this revision application
against order dated 17.01.2017, passed by 2nd Assistant Sessions
Judge, Purnia in Sessions Trial No.405 of 2014 whereby their prayer
for recalling the order dated 15.06.2016 framing charge against them
under Section 307 of the Indian Penal Code and Section 27 of the
Arms Act has been rejected.

3. Learned counsel for the petitioners submits that no
prima facie case under Section 307 of the Indian Penal Code or
Section 27 of the Arms Act is made out in this case rather it is a case
of simple road accident in between cars of both sides; whereas the
learned APP appearing for the State submits that there is specific



allegation that a brawl took place after the accident and the petitioners took out pistol and made attempt to fire but could not succeed due to some technical snag.

4. Having considered rival submissions and on perusal of record it appears that the petitioners earlier moved before the trial court to discharge them from Section 307 of the Indian Penal Code as well as Section 27 of the Arms Act but the same was rejected against which preferred quashing application before this Court and the same was also dismissed as withdrawn, so the matter attained finality. The learned trial court has rightly observed that there is no provision in the Criminal Procedure Code for recalling the earlier order passed in this case. Section 362 of Cr.P.C. expressly bars any alteration or review of the judgment or final order disposing of a case after being signed except to correct a clerical or arithmetical error, so finding no merit in this revision application, the same stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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