

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11355 of 2012

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1. Rabiya Khatoon W/o Md. Mozib Resident of Village- Dagaruwa, P.S.- Dagaruwa, Distt.- Purnea
 2. Md. Mozib S/o Late Md. Ishaque Resident of Village- Dagaruwa, P.S.- Dagaruwa, Distt.- Purnea
 3. Md. Kamil S/o Md. Hamid Resident of Village- Dagaruwa, P.S.- Dagaruwa, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Taijun Nisa W/o Subhan Resident of Village- Udharna, P.S.- Dagaruwa, Distt.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh-I (APP)

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
CAV JUDGMENT

Date : 11-04-2018

Heard learned counsel for the parties.

Petitioners, by means of this application under section 482 of the Code of Criminal procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 10.01.2012, passed by the learned Sessions Judge, Purnea in Criminal Revision No. 72 of 2011, whereby and whereunder the Revision Petition was dismissed and also for quashing of the order dated 06.10.2010 passed by the Judicial Magistrate, 1st Class, Purnea in Complaint Case bearing C.A. No. 3017 of 2018,



whereby cognizance has been taken against the petitioners for the offence under section 323 of the Indian Penal Code.

The contention of learned counsel for the petitioners is that no offence against the petitioner is disclosed and the present prosecution has been instituted with *mala fide* intention for the purposes of harassment. It is also submitted that the order taking cognizance suffers from the vice of bar of limitation as the alleged occurrence took place in the year 2008 and cognizance should have been taken within a period of one year. The revisional Court has also failed to take into consideration this aspect of the matter.

Learned counsel appearing on behalf of the State opposes the application by contending that there are allegations against the petitioners and no ground for quashing the entire proceedings is made out.

In the present case, petitioners moved for revision of the order taking cognizance passed by the Magistrate, which has been dismissed by the order impugned. The petitioners by the present application is seeking second revision of the order, which is in teeth of the judgment of the Hon'ble Supreme Court reported in **1993 Cr. L.J. 1049**. Section 397(3) of the Code of Criminal Procedure bars a second revision application by the



same party. It is now well settled that the inherent powers under section 482 Cr. P.C. cannot be utilized for exercising powers, which was expressly barred by the Code.

In view of the discussions made above, this Court is not inclined to interfere into the matter. The prayer for quashing of the orders impugned is, hereby, refused.

Accordingly, the application stands dismissed.

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
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