

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32329 of 2017

Arising Out of PS.Case No. -1046 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Vivek Kumar Lath, son of Sri Raj Kumar Lath, resident of Village-
Ranisati Chowk, Kasba, P.S.- Kasba, District- Purnea.

.... Petitioner/s

Versus

1. Dharmendra Kumar Lath, son of Sri Om Prakash Lath, Both residents of
Village- Ranisati Chowk, Kasba, P.S.- Kasba, District- Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-03-2018 This application under Section 482 of the Code of

Criminal Procedure (for short 'Cr.P.C.') has been filed against the

order dated 05.04.2016 passed by the learned Chief Judicial

Magistrate, Purnea in Complaint Case No. 1046 of 2015 by which

the aforesaid complaint has been dismissed in exercise of power

conferred under Section 203 of the Cr.P.C.

 If after considering the statement on oath of the

complainant and of the witnesses and the result of inquiry or

investigation under Section 202 of the Cr.P.C. the Magistrate has

dismissed the complaint, the same is in the nature of a final order.

A final order passed by the court of Magistrate is revisable under

Sections 397 and 401 of the Cr.P.C.



Since a revision petition is maintainable against the order impugned, in the opinion of this Court, it would not be proper for this Court to entertain an application under Section 482 of the Cr.P.C.

In that view of the matter, this application is dismissed as not maintainable. However, the petitioner would be at liberty to challenge the order impugned by way of filing a revision petition.

(Ashwani Kumar Singh, J)

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