

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4938 of 2015

Arising Out of PS.Case No. -1301 Year- 2011 Thana -BUXAR COMPLAINT CASE District-
BUXAR

- =====
1. Sarswati Devi, wife of Ram Kumar alias Bhulan Sah,
 2. Ram Kumar alias Bhulan Sah, son of late Jamuna Sah,
 3. Binay Kumar Gupta, minor son of Ram Kumar alias Bhulan Sah under the natural guardianship of his father Ram Kumar alias Bhulan Sah.
- All resident of Mohalla-Gajadharganj, P.S.-Buxar Town, PO-Gajadharganj, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar &
2. District Magistrate, Buxar,
3. Laxmi Devi, wife of Dwarika Sah, resident of Mohalla and PO-Gajadharganj, P.S.-Buxar Town, District-Buxar,
4. Uma Shankar Sah, son of Sita Ram Sah,
5. Saroj Devi, wife of Uma Shankar Sah, both resident of Mohalla and PO-Gajadharganj, P.S.-Buxar Town, District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : APP

Mr. Ashok Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 23-03-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 23.03.2012 passed by the Judicial Magistrate, 1st class, Buxar, in Complaint Case No.1301-C of 2011/Trial No.465 of 2012 by which the learned Magistrate under the provision of Domestic Violence Act directed the petitioners not to oust Opposite Party Nos.3 and also not to commit any domestic violence against her till the decision of the competent Civil Court.



Aforesaid order was challenged by the petitioners before the learned Sessions Judge, Buxar, by filing Cr. Appeal No.27 of 2012, which was also dismissed by judgment dated 15.01.2013.

From the records, it appears that, originally, Criminal Writ was filed, which was subsequently converted into a petition under Section 482 Cr. P. C. The Stamp Reporter at the first stage raised objection that Criminal Writ Jurisdiction may be converted into Criminal Revision under Section 397 and 401 Cr. P. C.

This Court after looking into both the orders is of the view that this petition has been filed in garb of second revision. The appeal has already been dismissed by the learned Sessions Judge against the order passed by the learned Magistrate.

This Court does not find any illegality in the appellate order passed by the learned Sessions Judge, Buxar, as well as the order passed by the Judicial Magistrate, 1st class, Buxar.

Therefore, this Criminal Miscellaneous Application is dismissed.

J.Alam/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07-04-2018
Transmission Date	07-04-2018

