

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66619 of 2018

In
Criminal Miscellaneous No.3933 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Bhabhua (Kaimur)

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Jang Bahadur Singh, son of Chandrama Singh, resident of village Tarhani,
P.S. Sonhan, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarojani Devi, W/o Jang Bahadur Singh, Village- Tarhani P.S. Sonhan,
District- Kaimur, at present D/o Radheshyam Singh, Village Sokhara, P.O.-
Sokhara, P.S. Chand, District- Kaimur (Bhabua)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay
For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for restoration of Cr.Misc. No. 3933 of 2018, which was dismissed for want of prosecution on 23.08.2018.

Considering the submissions made by the learned counsel for the petitioner as also the facts and circumstances of the case, the prayer is allowed. Cr.Misc. No. 3933 of 2018 is restored to its original file.

Cr.Misc. No. 3933 of 2018

This application under Section 482 of the Code of



Criminal Procedure has been filed for quashing the order dated 01.12.2017 passed by the learned Sessions Judge, Kaimur in Cr.Appeal No. 8 of 2017 affirming the order dated 09.01.2017 passed by the learned A.C.J.M.-IV, Bhabua in Domestic Violence Complaint Case No. 857 of 2016.

After some arguments, realizing the legal position that against an order passed in an appeal by the Sessions Court, a petition under Section 482 of the Code of Criminal Procedure would not be maintainable and only a revision would lie, learned counsel for the petitioner sought leave to withdraw this application in order to file a revision application under Section 89 of the Domestic Violence Act before this Court against the order impugned.

Leave is granted. The application is disposed of.

(Ashwani Kumar Singh, J)

Pradeep/-

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