

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42831 of 2017

Arising Out of PS.Case No. -113 Year- 2007 Thana -GAYA COMPLAINT CASE District- GAYA

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Ramji Prasad son of Late Bhola Nath Sao, resident of Mohalla - Maulaganj Nai
Sadak, Police Station - Civil Line, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Chitranjan Prasad Verma son of Late Gopal Sharan Verma, resident of Mohalla
Sahmir Takiya, Police Station - Civil Line, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish, Advocate

For the State : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-07-2018

This application under Section 482 of the Code of Criminal Procedure Code (for short 'Cr.P.C.') has been filed by the petitioner for quashing of Complaint Case No.113 of 2017 pending in the Court of Chief Judicial Magistrate, Gaya in which the petitioner has been summoned for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

2. Earlier also, the petitioner had moved before this court in Cr. Misc. No. 41526 of 2008 for quashing of the entire criminal



prosecution including summoning order passed in the case but the same was dismissed by a Bench of this Court vide order dated 28.06.2012. Since then, the stage of the case has not changed. The petitioner has renewed his prayer before this Court on the ground that subsequent to the dismissal of the petition before this Court, a suit has been filed by the complainant of this case impleading the petitioner as a defendant.

3. In the considered opinion of this Court, simply because subsequent to the dismissal of the earlier application preferred under Section 482 of the Cr.P.C. in the same subject matter, the informant has also filed a suit, another application under Section 482 of the Cr.P.C. would not be maintainable.

4. It is well settled position in law that once the court has signed its judgment or final order disposing of a case, it cannot alter or review the same except to correct the clerical or arithmetical error. It is not a case in which the petitioner is seeking any modification in the order passed by this court earlier on the ground that there is clerical or arithmetical error but the application has been filed with substantial prayer to quash the entire proceedings which was the prayer in the earlier application also.

5. Regard being had to the statutory provisions prescribed under Section 362 of the Cr.P.C, I am of the opinion that the instant



application is nothing but an abuse of the process of court. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

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