

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5102 of 2015**

Arising Out of PS. Case No.-265 Year-2008 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Mhd. Farooque son of Hazi Abdul Rasaid resident of Mohalla - Khairabad,
house no. 998, Sultanpur, Pargana - Miranpur Dist - Sultanpur U.P.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Hazi Noor Muhamad @ Mohamad Noor son of Late Zahoor Ahmad resident
of Mohalla - Madar Darwaja Sasaram P.O. P.S. - Sasaram, District - Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Adv

For the Opposite Party/s : Mr.Behzad Akhtar, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 01-07-2019

Heard learned counsel for the parties.

2. This application under Section 482 Cr.P.C. is against
order dated 25.03.2010 passed by the learned Judicial Magistrate,
1st Class, Rohtas in Complaint Case No.265 of 2008 whereby the
learned court below has taken cognizance and issued process
against the petitioner to face trial for offence under Section 420
I.P.C.

3. Prayer on behalf of the petitioner is for time.

4. Learned counsel for the opposite party No.2 submits
that the petitioner had challenged the impugned order in Cr.
Revision No. 301 of 2010 before the learned Sessions Judge,
Sasaram which was heard by learned A.D.J.-IV, Sasaram and by



order dated 18.09.2014 rejecting the prayer to interfere with the impugned order dated 25.03.2010. This fact has not been clearly disclosed in para-5 of the present petition deliberately for the reason that second revision petition is barred under sub-section (3) of Section 397 Cr.P.C. and this application for quashing is in disguise of second revision application.

5. I find substance in the submission aforesaid. Since second revision application is not maintainable at the hands of same petitioner who has already approached either before the learned Sessions Judge or before the High Court and in the present case, the petitioner has already approached before the learned Sessions Judge against the same order. Hence, this application is dismissed as not maintainable.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2019
Transmission Date	03.07.2019

