

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79330 of 2019
Arising out of
CRIMINAL MISCELLANEOUS No. 5735 of 2015

Arising Out of PS Case No.-254 Year-2007 Thana- BIRAUL District- Darbhanga

Tetari Devi, Wife of Fulo Mukhia, aged about 50 years, Female, at present Resident of Village - Changwra Tola, Afjala, PO- Ladha, PS- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Gopal Mukhia, Son of Raj Naraayaan Mukhia, aged about years, Male
 3. Nand Kumar Mukhia, aged about years, Male, Son of Fulo Mukhia.
 4. Parmeshwar Mukhia, aged about years, Male, Son of Ram Bahadur Mukhia.
- All are resident of Village - Changwra Tola, Afjala, PO- Ladha, PS- Biraul, District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Sinha, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-02-2021

Heard Mr. Ranjan Kumar Sinha, learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The present application has been filed seeking modification of the order dated 15.05.2019 passed in Cr. Misc. No. 5735 of 2015 by which the order dated 19.11.2014 passed by the Additional District Judge-II, Benipur in Cr. Revision No. 79 of 2012, was set aside in favour of the opposite parties no. 2 to 4.



3. Upon hearing learned counsel for the parties, the Court finds that the petition is misconceived for the reason that under the garb of seeking modification, the petitioner seeks review of the order dated 15.05.2019 passed in Cr. Misc. No. 5735 of 2015, that too, on the sole ground that notice was never received by the petitioner.

4. From the order itself it is apparent that as per the record of the Court, notice was validly served on the petitioner. Thus, both, on the ground that there cannot be any review in a criminal matter and further that the finding of valid service of notice to the petitioner, being a matter of fact, cannot be adequately gone into in the present proceeding, the Court finds that the prayer of the petitioner cannot be allowed.

5. For reasons aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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