

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11879 of 2016**

Arising Out of PS. Case No.-492 Year-2012 Thana- SARAN COMPLAINT CASE District-  
Saran

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Bhagmani Kuar wife of Late Ram Kumar Chaudhary, resident of Village-  
Aundha, P.S.- Garkha, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Umanath Chaudhari
3. Amarnath Chaudhari 2 & 3 sons of Banarasi Chaudhary null
4. Banarasi Chaudhary son of Late Raj Kumar Chaudhary null
5. Jhameli Devi wife of Banarasi Chaudhary
6. Meena Devi wife of Amarnath Chaudhary 2 to 6 resident of Village- Inai,  
P.S.- Revilganj, District- Saran.

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| For the Petitioner/s       | : | Mr. V. N. P. Sinha- Sr. Advocate |
|                            |   | Mr. Sanjay Kumar Singh- Advocate |
| For the Opposite Party/s : |   | Mr. Nand Kishore Pd.- APP        |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      04-09-2023                      1. Heard learned senior counsel for the petitioner and  
learned APP for the State.

2. The learned senior counsel for the petitioner  
submits that the present quashing application has been filed  
seeking quashing of the order dated 18.12.2015 passed by the  
learned 8<sup>th</sup> Additional Sessions Judge, Saran at Chapra, whereby  
the Cr. Revision No.158 of 2012 preferred against the order  
dated 25.05.2012 in Complaint Case No.492 of 2012 by the  
learned Judicial Magistrate, Saran at Chapara dismissing the



complaint petition of the complainant was affirmed.

3. The learned senior counsel for the petitioner submits that the learned Magistrate as well as the learned Revisional Court without applying their due application of mind rejected the complaint case and at the same time, the same got affirmed by the Revisional Court as recorded herein above. The learned senior counsel next submits that he is aware of his limitation in making submission after the order of revision whether an application under Section 482 Cr.P.C. would be maintainable or not. It is next submitted that no doubt, Section 397(3) of the Cr.P.C. bars second revision, as such, an application under Section 482 Cr.P.C. can be maintained only if it can be argued that the order of the Revisional Court borders on perversity.

4. The learned Additional P. P. vehemently opposes the submissions made by the learned senior counsel for the petitioner and submits that from bare perusal of the revisional order, it would manifest that the same is reasoned and the learned Sessions Judge while affirming the order passed by the learned Magistrate has taken into consideration all the materials on record and thereafter, came to a considered conclusion that the learned Magistrate rightly did not proceed with the



complaint.

5. Considering the submission made by the learned Additional P. P., the Court is not inclined to interfere in its jurisdiction under Section 482 Cr.P.C.

6. Accordingly, the quashing application is rejected.

**(Satyavrat Verma, J)**

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