

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19630 of 2016

Arising Out of PS. Case No.-173 Year-2013 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Bachadhari Rai S/o Late Harbansh Rai R/o vill. - Dhurhupur, P.S. Barhampur,
Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-09-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present application has been filed seeking
quashing of the order dated 02.03.2016 in Cr. Revision No. 123
of 2013 arising out of Tr. No. 2442 of 2013 in Complaint Case
No. 73 of 2013 whereby learned court below has been pleased
to dismiss the complaint and the revisional court has also
confirmed the order of the learned trial court in criminal
revision.

3. Learned counsel for the petitioner submits that the
complainant had filed a complaint petition and the learned
Magistrate after recording evidence of the complainant and two
witnesses came to a considered conclusion that the complaint
was not liable to proceed as such dismissed the same under



Section 203 Cr.P.C. against which the petitioner moved in revision before the learned Sessions Judge by filing Cr. Revision No. 123 of 2013. The learned revisional court also after appreciating the facts of the case and the evidence on record dismissed the revision application and affirmed the order of the learned trial court by which the complaint petition of the petitioner was dismissed.

4. Learned counsel for the petitioner further submits that the revisional court order is bad on the ground that the same did not take the relevant materials on record into consideration while dismissing the revision application of the petitioner when prima facie from the allegations as alleged in the complaint, it would manifest that the offences under Sections 147, 148, 149, 447, 448, 380 and 452 of the Indian Penal Code were made out.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State vehemently opposes the submissions made by the learned counsel for the petitioner and submits that from bare perusal of the allegation as alleged in the complaint, it would manifest that the dispute was purely civil to which a criminal colour was given and the learned Magistrate rightly dismissed the complaint which was affirmed by the learned revisional court. Learned A.P.P. further submits that this application is



nothing but a second revision which is barred under Section 397(3) Cr.P.C. and relies on the judgment of the Hon'ble Supreme Court in the case of **Rajan Kumar Machananda Vs. State of Karnataka** reported in **1990 Supp SCC 132**. It is next submitted that this Court in Cr. Misc. No. 51155 of 2015 (Vinay Thakur & Ors. Vs. The State of Bihar & Anr.) has passed an order dated 29.08.2023 on a similar issue and the present case is also covered by the order dated 29.08.2023 in Cr. Misc. No. 51155 of 2015 as the petitioner in the present case is also challenging the order of revision which has affirmed the order by which the complaint was dismissed.

6. Learned counsel for the petitioner is not in a position to rebut the submission of the learned A.P.P.

7. Considering the submission made by the learned A.P.P. and relying on the order dated 29.08.2023 in Cr. Misc. No. 51155 of 2015, the Court finds no merit in this application.

8. Accordingly, this application is dismissed.

(Satyavrat Verma, J)

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