

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21192 of 2023

Arising Out of PS. Case No.-222 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

Md Subhan Son Of Late Md Salim Resident Of Mohalla- Bhigo
Chackrahmat, Ward No 3, PS Lahariasarai ,DISTRICT Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Khatoon Wife Of Md. Murtuza Kuraisee R/O Mohalla- Bhigo, Ps-
Lahariasarai, Distt- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Adv

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 16-10-2023

Heard learned counsel for the parties.

2. The petitioner has put to challenge in the present application filed under section 482 of the CrPC, the order dated 31.01.2022 passed in Criminal Revision No. 171 of 2021.

3. The petitioner is an accused in Laheriasarai P.S. Case No. 222 of 2019, wherein cognizance has been taken by the learned CJM, Darbhanga for the offences punishable under sections 341, 323, 324, 307, 354, 504, 506/34 of the Indian Penal Code. The petitioner put the said order taking cognizance to challenge by filing revision petition before the court below giving rise to Criminal Revision No. 171 of 2021. The said criminal revision petition has been dismissed by an order dated

31.01.2022 passed by learned Additional Sessions Judge-X, Darbhanga, which order is under challenge in the present application filed under section 482 of the CrPC.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner and other persons named in the FIR have been falsely implicated. The occurrence is said to have taken place as the informant had opened a shop to sell beef near a Temple and Town Primary Health Centre, Urdu Bazar, Darbhanga, to which members of both community opposed. He further submits that the FIR was registered by the petitioner giving rise to Laheriasarai P.S. Case No. 193 of 2019. Another FIR was registered by the petitioner's wife on 08.06.2019 giving rise to Laheriasarai P.S. Case No. 220 of 2019. Subsequently, the informant of this case lodged the false case giving rise to Laheriasarai P.S. Case No. 222 of 2019.

5. On perusal of the records, it transpires that the petitioner had approached the revisional court and had invoked the statutory remedy of revision as envisaged under section 397 of the CrPC questioning the order taking cognizance. I do not consider it fit to interfere with the order passed by the revisional court in the present case which is apparently in the nature of second revision application in the garb of an application under

Section 482 of the Cr.P.C

6. This application is, accordingly, dismissed being devoid of any merit.

7. The petitioner, however, shall be at liberty to raise the grounds, which he has raised in the present application, at the time of framing of charge.

(Chakradhari Sharan Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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