

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46715 of 2017

Arising Out of PS. Case No.-531 Year-2016 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Sagufta Begam W/o Hasnain Alal @ Hasnain Alam, R/o Village- Jamira
Danga, P.S.- Rauta, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shamim Akhtar Son of Fasiuddin R/o Village- Chararo @ Ghararo, P.S.-
Rauta, District- Purnea.
3. Shanu Alam Son of Moulvi Nayeem, R/o Village- Hasan Dumariya, P.S.-
Kochadhaman, District- Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. On query of the Court that how the present
quashing application is maintainable when the complaint was
dismissed by the learned Magistrate and the same was affirmed
by the revisional Court on which the learned counsel made a
very interesting submission that quashing applications are being
filed when revisions are being dismissed by the learned Sessions
Judge and on that ground the present quashing application has
been filed.

3. The Court fails to appreciate that a legal query of



the Court has been replied in the manner as recorded hereinabove.

4. The query of the Court was that the revisional jurisdiction of the High Court and the learned Sessions Judge is co-equal in terms of Section 397 of the Cr.P.C., the petitioner against the order by which the complaint was dismissed, could have moved in revisional jurisdiction either before the learned Sessions Judge or before this Court, had the petitioner moved before this Court in its revisional jurisdiction and the Court would not have interfered with the order of the learned Magistrate whether the quashing application would have been maintainable, the answer is NO, but then merely because the petitioner chooses the jurisdiction of the learned Sessions Judge of filing revision and the revision application is dismissed whether that gives a cause of action to the petitioner to file quashing application or to avail some other remedy which the learned counsel for the petitioner is not in a position to reply legally but then says that there are hundreds of Judgments of this Court and the Hon'ble Supreme Court where it has been held that quashing application is maintainable.

5. The Court completely fails to appreciate such submission of the learned lawyer that submissions are being



made in air when the case was running on the list for so long.

6. The law is clear that quashing application cannot be maintained in garb of a second revision and the present quashing application is nothing but a second revision filed by the petitioner which is barred by Section 397(3) of the Cr.P.C, as such, the Court is not inclined to entertain the quashing application.

7. Accordingly, the present quashing application stands rejected.

(Satyavrat Verma, J)

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