

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8543 of 2016

Arising Out of PS. Case No.-25 Year-2010 Thana- KHODAWANDPUR District- Begusarai

MD. ANWARUL HAQUE @MD. ANWARUL Son of Late Alijan Ansari,
Resident of Village- Amari, P.S- Khodawandpur, District-Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Phool Jehan, Wife of Md. Sagir, resident of Village- Amari Dih, P.S- Khowadandpur, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambika Bhagat, Advocate
For the Opposite Party/s : Smt. Sangita Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner, at the outset, very fairly submits that the present quashing application has been filed against the order of revision passed by the learned Additional Sessions Judge-III, Begusarai. It is next submitted that he is aware of his limitation in making submission that the power of the High Court and the learned Sessions Judge is co-equal in terms of Section 397 of the Cr.P.C, as an accused has the option of availing his remedy either before this Court or before the learned Sessions Judge and if the accused has availed his remedy before the learned Sessions Judge then in that event



an application under Section 482 of the Cr.P.C. would be maintainable or not is a question to be answered in this quashing application.

3. At this stage, the learned A.P.P. submits that what has been argued by the learned counsel is a fair submission but then from perusal of the order passed by the learned Additional Sessions Judge-III in Criminal Revision No. 113 of 2012 does not suffer from any infirmity.

4. The learned counsel for the petitioner is not able to counter the submissions made by the learned A.P.P. and thus seeks permission to withdraw the quashing application.

5. Permission is accorded.

6. Accordingly, the present quashing application stands dismissed as withdrawn.

(Satyavrat Verma, J)

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