

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.94 of 2021

In
Criminal Writ Jurisdiction Case No.1430 of 2018

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Syed Naiyar Haroon son of Syed Md. Haroon resident of Flat No. 103 Faiz Apartment, Khagari Gali Road Samanpura, P.O.- B.V. College, P.S.- Shashtri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Deputy Inspector General, Patna Range, Patna.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police Bihar, Patna.
7. The City Superintendent of Police, Patna, District- Patna.
8. Syed Sameena Hussain daughter of S.S. Eqbal Hussain resident of House No. 326, Patliputra Colony, P.S.- Patliputra, District- Patna.
9. Dr. S.S. Eqbal Hussain Son of Late Syed Hasrat Hussain resident of House No. 326, Patliputra Colony, P.S.- Patliputra, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashish Giri, Advocate
Mr.Sumit Kumar Jha, Advocate
For the Opposite Party/s : Mr.Deepak Sahay Jamuar, Ac to Ag

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 19-09-2024

Re:I.A. No. 01 of 2021

Heard I.A. No. 01 of 2021 arising out of civil review
no. 94 of 2021. For the reasons stated in application read with



affidavit, delay of about 15 days in filing present civil review no. 94 of 2021 stands condoned. Accordingly, I.A. No. 01 of 2021 stands allowed.

2. Criminal Writ Jurisdiction Case No. 1430 of 2018 was presented and argued by the Advocate on Record, namely, *Mr. Surya Narayan Roy*. He has not issued no objection to the petitioner to file civil review petition. On the other hand, petitioner has presented this Civil Review No. 94 of 2021 through a new counsels – Mr. Ashish Giri and Mr. Sumit Kumar Jha. It is to be noted that co-ordinate bench dictated judgment in the open court. Therefore, what was transpired in the court is known by the Advocate on record in the Cr.W.J.C. No. 1430 of 2018.

3. Change of counsel in filing civil review has been deprecated by the Hon'ble Supreme Court in the case of **Tamil Nadu Electricity Board and another Versus N. Raju Reddiar and another**, reported in (1997) 9 Supreme Court Cases 736 relevant paragraph reads as under:-

“It is a sad spectacle that a new practice unbecoming and not worthy of or conducive to the profession is cropping up. Mr Mariaputham, Advocate-on-Record had filed vakalatnama for the petitioner-respondent when the special leave petition was filed. After



the matter was disposed of, Mr V. Balachandran, Advocate had filed a petition for review. That was also dismissed by this Court on 24-4-1996. Yet another advocate, Mr S.U.K. Sagar, has now been engaged to file the present application styled as “application for clarification”, on the specious plea that the order is not clear and unambiguous. When an appeal/special leave petition is dismissed, except in rare cases where error of law or fact is apparent on the record, no review can be filed; that too by the Advocate-on-Record who neither appeared nor was party in the main case. It is salutary to note that the court spends valuable time in deciding a case. Review petition is not, and should not be, an attempt for hearing the matter again on merits. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine; that too, with change of counsel, without obtaining consent of the Advocate-on-Record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession.”

4. In the light of these facts and circumstances, the present civil review no. 94 of 2021 stands dismissed with cost of Rs. 5000/- (Rupees Five Thousand Only). Cost shall be remitted in the Patna High Court Legal Services Committee within a



period of eight weeks from today.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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