

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49083 of 2024

In
CRIMINAL REVISION No.857 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District-

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Puja Pallavi, Daughter of Shri Baidyanath Sharma, Resident Of Village -
Andar Quila Konhara, P.S. - Hajipur Town, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devesh Malviya, Son of Late Anjani Kumar Malviya @ Anjani Kumar
Resident of Mohalla - Gyanpur Road, S.R.D. Nagar, P.S. - Gyanpur, District
- Bhandoi, Utter Pradesh

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 20-09-2024 This is an application for modification of the order
dated 06th February 2024 passed in Cr. Revision No. 857/2018.

2. It is submitted on behalf of the petitioner that in Cr.
Revision 857/2018, she was arrayed as opposite party no. 02.
She did not receive any notice of the above-mentioned Cr.
Revision. The said Cr. Revision was disposed of by this Court
by an order dated 06th February 2024 wherein, the names of one
Sangita Devi @ Gudiya and one Rajlaxmi were recorded and
the present petitioner was not even named in the order sheet.
Subsequently, on 21st February 2024, on the prayer of the
learned Advocate for the petitioner/opposite party no. 2 herein



the name of the present petitioner was introduced in the order dated 06th February 2024. Thus, it alleged by the petitioner that her husband, opposite party no. 2 herein obtained an order in Cr. Rev. No. 857 of 2018 and subsequently, changed the cause title by making a innocuous prayer that the name of the opposite party no. 02 and 03 were wrongly recorded in the cause title and the order dated 06th February 2024 and those name could be deleted from the cause title of the Cr. Rev. 857 of 2018 as well as the order dated 06th February 2024 and the name of Puja Pallavi be inserted.

3. The petitioner has prayed for modification of the order on the ground that the petitioner did not get any chance to contest the instant criminal revision.

4. I have heard the learned Advocate for the petitioner as well as the opposite party no. 02. This Court is not in a position to deny the fact that the order dated 06th February 2024 was passed without serving any notice to the present petitioner in Cr. Revision No. 857 of 2018. Moreover, the said order was passed on the basis of the cause title mentioned in the revisional application. The petitioner recorded the names of the opposite parties in the cause title of the revisional application wrongly.

5. Since, a proceeding under Section 125 of CrPC is



quasi civil in nature, I am of the considered view that the order passed in revision arising out of a proceeding under Section 125 of the CrPC can be modified or recalled if it is found that the order was passed against a wrong person as a result of *bona fide* mistake and inadvertence.

6. Therefore, the order dated 06th February 2024 disposing of Cr. Revision No. 857 of 2018 is recalled.

7. In view of the above order, the instant miscellaneous case is allowed on contest.

8. The petitioner of Cr. Revision No. 857 of 2018 be directed to serve notice upon the opposite party no. 02, namely, Puja Pallavi under registered speed post as well as through this Court. Further a copy of such notice be also served upon the learned Advocate appearing on behalf of the petitioner of Cr. Miscellaneous Case No. 49083 of 2024. A copy of this order be kept in the record of Cr. Revision No. 857 of 2018.

9. With the above order, the instant Cr. Miscellaneous Case is disposed of on contest.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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