

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8540 of 2016

Arising Out of PS. Case No.-2 Year-1986 Thana- C.B.I CASE District- Patna

Sudharshan Lohia son of Balkrishna Lohia resdent of 176 Mahatma Gandhi Road, 2nd Floor, Kolkata 7.

... .. Petitioner/s

Versus

The Union Of India Through The Superintendent Of Police, C.b.i. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Mrs. Manini Jaiswal, Ms. Ankita Kumari, Advocates.
For the Opposite Party/s	:	Mr. Avinash Kr. Singh. SPP, (CBI) Mr. Ambar Narayan, Advocate. Mrs. Barkha, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 08-01-2024 Heard Mr. Sanjeev Kumar Mishra, Ld. Counsel for the petitioner and Mr. Avinash Kumar Singh, Ld. Counsel for CBI.

2. The present petition under Section 482 CrPC has been preferred to challenge the order dated 02.09.1988 passed in R.C. Case No. 02/1986 by Ld. Special Judicial Magistrate, CBI, Patna, Bihar taking cognizance of the offence punishable under sections 120B read with 420, 466, 471 and 468 IPC.

3. However, Ld. Counsel for CBI brings to the notice of the Court that the same order was previously challenged but his petition was dismissed by this Court *vide* order dated 13.08.2009 passed in Cr. Misc. No. 15626 of 2009. Hence, the



present petition is not maintainable as he cannot challenge the same order twice. He should have preferred appeal before Hon'ble Supreme Court, rather than re-challenging the same order before the same Court.

4. At this stage, Ld. Counsel for the petitioner submits that he has filed an Interlocutory Application and the said I.A. is not on record. In such situation, a copy of the I.A is filed across the board and the same taken on record.

5. Perused this I.A. As per this I.A., the petitioner is seeking to add one more prayer to quash the entire criminal prosecution in connection with R.C. Case No. 02/1986 pending before Chief Special Judicial Magistrate, CBI, Bihar.

6. Heard both the parties and perused the material on record.

7. It transpires that the petitioner has already challenged the impugned cognizance order in the said R.C. Case No. 02/1986. Once, cognizance has been taken and he has already challenged the cognizance orders, he has no occasion to challenge the same criminal proceeding. Hence, the I.A. is dismissed.

8. At this stage, Ld. Counsel for the petitioner submits that the petitioner has also filed another I.A. for



quashing the order dated 29.11.2023 passed in connection with R.C. Case No. 2/1986 whereby bail bond of the petitioner has been cancelled by the court below on account of his failure to attend the court. In such situation, I find that the petitioner has separate cause of action to file separate petition. Such prayer cannot be entertained in the present petition. Hence, this I.A. is also dismissed with the liberty to the petitioner to take further initiative as per the law.

9. Coming the present petition, the present petition is dismissed as not maintainable as the petitioner has already impugned the cognizance order in Cr.Misc. No. 15626 of 2009 which has been dismissed by this vide order dated 13.08.2009.

(Jitendra Kumar, J)

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