

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.492 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- SARAI District- Vaishali

Babita Devi Wife of Anjan Kumar Resident of Village - Anwarpur, P.S. -
Saria, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna Bihar
2. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur Bihar
3. The Superintendent of Police, Vaishali at Hajipur Bihar
4. The Sub-Divisional Police Officer, Sadar Vaishali at Hajipur Bihar
5. Mani Bhushan Kumar, Police Sub-Inspector-cum-SHO Sarai P.S, Vaishali Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhishek Teerthankar, Adv.
For the Respondent/s : S.C.8

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-12-2025 The petitioner has approached this Court to quash the order dated 20.08.2024 passed in Sarai P.S. Case No. 92/2024 registered for the offences punishable under Section 486, 487, 420, 272, 273, 411, 413, 414, 467, 468, 120B of the IPC and Sections 51, 63,64, 65 of the Copyright Act read with Sections 103/104 of the Trademark Act passed by Additional Chief Judicial Magistrate-Xth, Vaishali at Hajipur whereby and whereunder the petition filed by the petitioner for unsealing her commercial godown has been rejected apart from other reliefs.

02. The Hon'ble Supreme Court in the case of *Neeta*



Singh & Ors. Vs. The State Of Uttar Pradesh & Ors. in ***Special Leave to Appeal (Crl.) No(s). 13578/2024*** has held that the judicial orders of the civil court are not amenable to writ jurisdiction under Article 226 of the Constitution. In these circumstances, the petitioner can have the course of appropriate proceeding before appropriate forum and not before this Court in a writ under criminal writ jurisdiction.

03. Learned counsel for the petitioner submits that the present writ has been filed under Article 226 and 227 of the Constitution of India and the Court can proceed under Article 227 of the Constitution of India.

04. I find such submission is fallacious.

05. So far as filing of the writ petition under Article 227 of the Constitution of India is concerned, the Hon'ble Supreme Court in the case of ***Shalini Shyam Shetty Vs. Rajendra Shankar Patil, (2010)8 SCC 329*** has also made it clear that under Article 227 of the Constitution of India no writ could be entertained. So, criminal writ petition under Article 226 and 227 of the Constitution against a judicial order would not lie. Further, Part A Chapter XII Rule 3 Sub Rule (iii) and (v) of Patna High Court Rules provides for filing a petition under Article 227 of the Constitution of India as criminal



miscellaneous petition and the said roster of criminal miscellaneous petition under Article 227 of the Constitution of India has not been assigned to this Bench.

06. At this stage, learned counsel for the petitioner seeks permission to convert the present petition into a criminal revision petition.

07. Permission is accorded.

08. Learned counsel for the petitioner is directed to convert the present petition into a criminal revision petition within two weeks.

09. Office is directed to extend all cooperation towards conversion.

(Arun Kumar Jha, J)

Anuradha/-

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