

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.291 of 2024**

Arising Out of PS. Case No.-172 Year-2021 Thana- NAGAR District- Vaishali

Umashankar Prasad Soni @ Umashankar Pd. Soni son of Late Ram Milan Soni @ Ram Milan Sah Village- Hathsarganj Mahavir Colony w.No-3, Ps- Hajipur town Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hemlata Chaudhary wife of Jai Prakash Chaudhary R/o- Hathsarganj House No-443, W.No-3, Ps- Hajipur town Dist- Vaishali

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Ravish Mishra, Advocate  
For the Respondent/s : Mr. Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

5      08-05-2025                      The petitioner is the informant in Town (Hajipur) P.S. Case No.172 of 2021 dated 23.12.2021 under Section 457 and 380 of the I.P.C. She has challenged an order dated 30.06.2023 passed by the learned Additional Sessions Judge-II, Vaishali in Criminal Revision No.74 of 2021 affirming the order of the learned Judicial Magistrate, 1<sup>st</sup> Class, Vaishali at Hajipur dated 14.07.2021.

2. At the time of hearing, a preliminary objection has been raised by the learned Advocated on behalf of the opposite party No.2/informant that the instant revision is not maintainable, because an order passed in revision cannot be further challenged under Section 397 read with section 401 of



the Cr.P.C. by the petitioner.

3. This Court is of the view that the instant application ought to be filed under Article 227 of the Constitution of India challenging the impugned order, invocation of revisional jurisdiction of this Court to challenge a revisional order passed by the learned Additional Sessions Judge is not permissible.

4. Learned Advocate for the petitioner at this stage submits that liberty may be given to convert the instant application to an application under Article 227 of the Constitution of India.

5. Liberty is granted to the petitioner for such conversion.

6. With the above order, the instant criminal revision is disposed.

7. Counter Affidavit filed by the State be taken on record.

**(Bibek Chaudhuri, J)**

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