

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.489 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- D.R.I District- Patna

The Union of India through Directorate of Revenue Intelligence Patna ,
Abhishek Kamal son of shri Ajay Kumar Choudhary Resident of village-
having office at office of Deputy Director, Directorate of Revenue
Intelligence, patna Regional Unit, Malaynil House of (L), Manju pandey,
Buddha Colony Main road Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mintu singh @ Mintu Kumar @ Mantu @ Malta Son of Late Sanjivan Ray
Resident of village- Rikabganj, Katra Bazar, Ps- Malsalami, Dist- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Respondent/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 23-07-2025 The Directorate of Revenue Intelligence, Patna is the
petitioner in the instant case challenging an order dated 21st
February 2025 rejecting an application filed by the petitioner for
police remand of the O.P. No. 2. The issue involved in the
instant criminal revision has been decided by a 3-Judges Bench
decision of the Hon'ble Supreme Court in State represented by
Inspector of Police and Ors. Vs. N.M.T. Joy Immaculate,
reported in *AIR 2004 SC 2282*. In the said case also, the State
authority approached the Hon'ble Supreme court in Crl. A. Nos.
575-576 of 2004 assailing an order of rejection of an application
for police remand of the accused.



2. The Hon'ble Supreme Court in paragraph no. 13 of the above-mentioned report held as under:

“13. Section 167 Cr.P.C. empowers a Judicial Magistrate to authorise the detention of an accused in the custody of police. Section 209 Cr.P.C. confers power upon a Magistrate to remand an accused to custody until the case has been committed to the Court of Sessions and also until the conclusion of the trial. Section 309 Cr.P.C. confers power upon a Court to remand an accused to custody after taking cognizance of an offence or during commencement of trial when it finds it necessary to adjourn the enquiry or trial. The order of remand has no bearing on the proceedings of the trial itself nor it can have any effect on the ultimate decision of the case. If an order of remand is found to be illegal, it cannot result in acquittal of the accused or in termination of proceedings. A remand order cannot affect the progress of the trial or its decision in any



*manner. Therefore, applying the test laid down in **Madhu Limaye's case (supra)**, it cannot be categorised even as an "intermediate order". The order is, therefore, a pure and simple interlocutory order and in view of the bar created by sub-section (2) of Section 397 Cr.P.C., a revision against the said order is not maintainable. The High Court, therefore, erred in entertaining the revision against the order dated 06.11.2001 of the Metropolitan Magistrate granting police custody of the accused Joy Immaculate for one day”*

3. In view of such decision taken by the Hon’ble Supreme Court on the similar facts and circumstances of the case, this Court finds that the instant revision is not maintainable under the provision of Section 397(2) of the CrPC and the same is summarily dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U		T	
---	--	---	--

