

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.928 of 2024

Arising Out of PS. Case No.-46 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Kundan Sah Son of Late Niren Sah Resident of Village - Tamanganj Kasba,
P.S. - Kasba and District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Mirdha @ Piinta Mirdha Son of Sri Bodru Mirdha Resident of
Tinpania Kasba, Police Station - Kasba and District - Purnea
3. Devesh Kumar Son of Sita Ram Sah Resident of Village - Main Road
Kasba, P.S. - Kasba and District - Purnea
4. Bishnu Sah Son of Late Mangal Sah Resident of Village - Tinpania Kasba,
P.S. - Kasba and District - Purnea
5. Gulten Sah Son of Late Nebal Sah Resident of Village - Tamanganj Kasba,
P.S. - Kasba and District - Purnea
6. Anil Sah Son of Late Jageshwar Sah Resident of Village - Tamanganj Kasba,
P.S. - Kasba and District - Purnea
7. Sunil Sah Son of Late Jageshwar Sah Resident of Village - Tamanganj
Kasba, P.S. - Kasba and District - Purnea
8. Kishore Sah Son of Late Jageshwar Sah Resident of Village - Tamanganj
Kasba, P.S. - Kasba and District - Purnea
9. Reeta Devi Wife of Ramayan Sah and Daughter of Jageshwar Sah Resident
of Village - Tamanganj Kasba, P.S. - Kasba and District - Purnea
10. Neelam Devi Wife of Rajesh Sah and Daughter of Jageshwar Sah Resident
of Village - Tamanganj Kasba, P.S. - Kasba and District - Purnea
11. Sarita Devi Wife of Raj Kumar Sah and Daughter of Jageshwar Sah
Resident of Village - Tamanganj Kasba, P.S. - Kasba and District - Purnea
12. Neema Devi Wife of Ganesh Chaudhary and Daughter of Jageshwar Sah
Resident of Village - Tamanganj Kasba, P.S. - Kasba and District - Purnea
13. Sangita Devi Wife of Late Suresh Sah Resident of Village - Tamanganj
Kasba, P.S. - Kasba and District - Purnea
14. Shivam Kumar Son of Late Suresh Sah Resident of Village - Tamanganj
Kasba, P.S. - Kasba and District - Purnea
15. Poonam Kumari Daughter of Late Suresh Sah Resident of Village -
Tamanganj Kasba, P.S. - Kasba and District - Purnea
16. Chhotee Kumari Daughter of Late Suresh Sah Resident of Village -
Tamanganj Kasba, P.S. - Kasba and District - Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Adv.
For the Respondent/s : Mr. Ram Bilash Roy Raman, APP



CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 26-06-2025 The instant criminal revision is directed against an order passed in Criminal Revision No. 36 of 2024, by the learned Additional District & Sessions Judge-II at Purnea.

2. The instant revision is taken up for hearing on the point of maintainability.

3. The learned Advocate on behalf of the petitioners submits that the petitioners were the opposite parties in Criminal Revision No. 36 of 2024. They did not file any revision against the order dated 23rd February, 2024, passed in Case No. 209M of 2017, under Section 145 of the Cr.P.C. Therefore, the revision is maintainable at the instance of opposite party in view of the provision contained in Sub-section 3 of Section 397 of the Cr.P.C.

4. Sub-section 3 of Section 397 of the Cr.P.C. runs thus:-

“If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by either of them.”

5. It is contended on behalf of the petitioners that since the petitioners are the opposite parties in the Revision No. 36 of 2024 before the learned Additional District & Sessions



Judge-II, Purnea, the instant criminal revision is maintainable. Sub-section 3 of Section 397 specifically barred entertaining of an application by the High Court from any person, who has already applied to the Sessions Judge in revision and vice versa.

6. It is not in dispute that the revision before the learned Additional District & Sessions Judge-II, Purnea was instituted against the opposite parties. The opposite parties contested the revision. Therefore, the opposite parties being the parties in revision cannot file second revision. If the opposite parties has any grievance, they can have the jurisdiction to agitate the finding of the learned Additional District & Sessions Judge-II, Purnea in Criminal Revision No. 36 of 2024, under Section 482 of the Cr.P.C.

7. With the above order, this Court finds that the instant criminal revision is not maintainable.

8. Accordingly, the instant criminal revision is dismissed with liberty to the petitioners to convert the same to an application under Section 482 of the Cr.P.C.

(Bibek Chaudhuri, J)

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