

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.469 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Darbhanga

Shiva Narayan Singh & Anr.

... .. Petitioners

Versus

The State of Bihar & Ors.

... .. Respondents

Appearance :

For the Petitioners : Mr. Prashant Sinha, Advocate

For the Respondents : Mr. Md. Khurshid Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-01-2026

Heard the parties.

2. The petitioners have challenged the order dated 22.02.2022 passed by the 1st Additional Sessions Judge, Darbhanga in Cr. Revision No. 77 of 2020, whereby the criminal revision preferred by the petitioners against the order dated 21.01.2020 passed by learned SDM, Sadar, Darbhanga in M.R. No. 2797 of 2019 has been rejected.

3. The petitioner has approached this Court in its writ jurisdiction under Article 226 and also under Article 227 of the Constitution of India challenging a judicial order. The Hon'ble Supreme Court in the case of *Neeta Singh & Ors. v. The State of Uttar Pradesh & Ors.*, in Special Leave to Appeal (Crl.) No(s). 13578 of 2024, reported in **2024 SCC OnLine SC 5761** has held that judicial orders are not amenable to challenge



in writ proceeding. 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 ***Radhey Shyam & Anr. v. Chhabi Nath & Ors.***, reported in ***(2015) 5 SCC 423*** has held that jurisdiction under Article 227 of the Constitution of India is distinct from writ jurisdiction under Article 226 of the Constitution of India. The Hon'ble Supreme Court further in the same case that in some High Courts there is tendency of entertaining petition under Article 227 of the Constitution of India by terming them as writ petition. In Part A, Chapter XII, Sub Rule (v) of Rule 3 of Patna High Court Rules provide as under:

“(v) Petitioner under Article-227 of the Constitution of India in respect of any order or any proceeding before any Criminal Court would be filed in Criminal Miscellaneous Jurisdiction.”

Therefore, a petition under Article 227 of the Constitution of India needs to be filed under Criminal Miscellaneous jurisdiction. It is also pertinent to note here that the roster of Article 227 of the Constitution of India has not been assigned to this Court.

4. Faced with this situation, learned counsel for the petitioner seeks permission to convert the present Criminal Writ Jurisdiction petition into Criminal Miscellaneous petition.



5. Permission, as prayed for, is accorded.

6. Learned counsel for the petitioner is directed to convert the present Criminal Writ Jurisdiction petition into Criminal Miscellaneous petition within a period of two weeks.

7. Office is directed to extend all cooperation towards the conversion.

(Arun Kumar Jha, J)

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