

Ranjit Yadav Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-11-2012

Appellant : Ranjit Yadav

Respondent : The State of Bihar and anr

Advocate for Pet/Ap. : Sri. Ram Pravesh Kumar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.40233 of 2011 Ranjit Yadav, S/o Ramjee Yadav Resident Of Village- Bhnail, P.S. Akbarpur, District- Nalanda .. Petitioner Versus 1. The State Of Bihar 2. Nagina Yadav, S/o Late Saudagar Yadav Resident Of Village- Bhnail, P.S. Akbarpur, District- Nawada . Opposite Parties -----

11. 01.2012 Heard Sri Shashi Bhushan Singh, who was assisted by Sri Ram Pravesh Kumar, learned counsel for the petitioner and Sri Hriday Prasad Singh, learned Additional Public Prosecutor. The petitioner while invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure has prayed for quashing of an order dated 02.05.2011 passed in Cr. Revision No. 70 of 2010/01 of 2011 by the learned Additional Sessions Judge, Fast Track Court III, Nawada. The petitioner has also prayed for quashing of the order dated 04.06.2010 passed by learned Judicial Magistrate Ist Class, Nawada whereby the learned Magistrate has rejected the complaint case i.e. Complaint Case No. 1473 of 2009. Learned counsel for the petitioner submits that initially a case under the Arms Act was instituted against Opposite Party No. 2 on recovery of arms. Subsequently, the

petitioner was made accused. It has been pleaded that since arms were recovered from the Opposite Party No. 2 the petitioner was not liable to be made accused. Be that as it may, against rejection of the complaint petition the petitioner had preferred a revision petition which stood 2 dismissed. It is also a fact that the petitioner is one of the accused under Section 302 of the Indian Penal Code. Since the petitioner has already exhausted remedy by filing of revision petition against rejection of the complaint petition, the court is of the opinion that in the garb of filing quashing application the petitioner has virtually filed second revision which is barred under Section 397 (3) of the Cr.P.C. I do not find any merit in the petition. The petition stands dismissed. Praful (Rakesh Kumar, J.)

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