IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12455 of 2019

Arising Out of PS. Case No.-6286 Year-2015 Thana- NAWADAH COMPLAINT CASE District- Nawada

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Nitish Pratap Palit @ Nitish Pratap Pali @ Nitish Kumar S/o Sri Vijay Pratap Palit R/v -Tarwan, P.S- Wazirganj, Dist.- Gaya

... ... Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari W/o Nitish Pratap Palit D/o Suresh Chandra Prasad, R/o village- Purani Bazar, Nawada, Dist- Nawada

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar
For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 20-08-2026

Heard the parties.

2. The present quashing petition has been preferred to quash the order dated 05.11.2018 passed by learned Sessions Judge, Nawada in Cr. Rev. No. 52 of 2018 through which learned Sessions Judge has set-aside the order of learned SDJM passed on 09.08.2018.

3. The prosecution case in brief is that petitioner alongwith his family members alleged to commit mental and physical cruelty upon complainant/ OP No. 2 due to non fulfillment of demand of dowry.

4. The occasion to prefer present petition as it

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transpires out of record and submissions that at the stage of the before charge evidence of petitioner's wife which was closed by the learned Magistrate was subsequently allowed by learned Sessions Judge through Cr. Rev. No. 52 of 2018 vide order dated 05.11.2018. The petitioner aggrieved with aforesaid revisional order preferred present petition.

5. As per settled principles of law, though there is no bar to prefer petition under Section 482 of Cr.P.C. against order of revision, but it should be entertained only in exceptional circumstances, particularly when the order appears perverse. It is submitted that impugned order is well reasoned. It also appears that proceeding is related with matrimonial discord, where the examination of wife is certainly essential to the just decision of the case, which is the sole of the provisions as to recall the witnesses under Section 311 of the Cr.P.C.

6. Considering aforesaid, this Court find no infirmity in impugned order passed by learned Sessions Judge, Nawada dated 05.11.2018 as passed in Cr. Rev. No. 52/2018, and therefore, the present petition stands

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dismissed, being devoid of any merit.

7. TCR, if any, be returned to learned trial court alongwith the copy of this judgment.

(Chandra Shekhar Jha, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.08.2026
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