

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59878 of 2024

Hira Pandit @ Hira Prajapati S/O Late Ram Prasad Pandit @ Ramprasad Pandit R/O Village- Amawan, Post Office- Amawan, P.S- Bodh Gaya, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gaya. Bihar
3. The Sub Divisional Magistrate, Sadar Gaya, Gaya. Bihar
4. The Circle Officer, Bodh Gaya, Dist.- Gaya. Bihar
5. Vijay Kumar, S/O Rameshwar Prasad R/O Village- Amawan, Post- Amwan, P.S- Bodh Gaya, Distt.- Gaya.
6. Rameshwar Prasad, S/O Late Thakur Mahto R/O Village- Amawan, Post- Amwan, P.S- Bodh Gaya, Distt.- Gaya.
7. Pankaj Kumar Diwakar, S/O Surya Kumar Pandey R/O Village- Amawan, Post- Amwan, P.S- Bodh Gaya, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Opposite Party/s	:	Mr. Manoranjan Kumar, Advocate
		Mr. S.Y.C. Verma, Advocate
		Mr. Rudra Pratap Singh, Advocate
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGEMENT

9 03-09-2026 1. A short question is involved in the instant Criminal
Miscellaneous Case. The petitioner has filed the instant
Criminal Miscellaneous Case, praying for recalling of an order
passed in Cr. Revision No. 206 of 2023 by this Court.

2. It appears from the record that Cr. Revision No. 206 of 2023 was disposed of by this Court on 17th of February, 2024, without serving any notice to Private Opposite Party Nos. 5, 6 and 7. Opposite Party No. 5 has filed the instant Criminal



Miscellaneous Case, praying for recalling of the order, dated 17th of February, 2024, passed in Cr. Revision No. 206 of 2023 by me.

3. The learned Advocate for the Opposite Party / Revisionist has appeared on notice and submits that Section 362 of the Code of Criminal Procedure, 1873, does not permit the Court to recall, modify or set aside the order after it is signed and finally pronounced.

4. So far as the legal obstacle is concerned, this Court is perfectly aware of the scope of Section 362 of the Cr.P.C. At the same time, the issue that come up for consideration before this Court in the instant Criminal Miscellaneous Case is as to whether the Court can recall its own order passed wrongly without serving notice to the private opposite parties.

5. Section 482 of the Cr.P.C. empowers the Court to pass any order to prevent the abuse of the process of the Court. If a revisional application is disposed of without serving notice to the Private Opposite Parties and giving opportunity to them to submit their case, the impugned order, in my considered opinion was passed in abuse of the process of the Court.

6. The Hon'ble Supreme Court in SLP (Crl.) No. 4811 of 2025, Brajesh Kumar v. State of Bihar & Ors., was pleased to



set aside a final order passed in revision without serving notice to the opposite party. Same order was passed by the Hon'ble Supreme Court in ***Rambali Sahni v. State of Bihar***, reported in ***2026 LivLaw (SC) 61***.

7. This Court is concerned on the question as to whether disposal of a revisional application without serving notice to the private opposite parties was an abuse of the process of the Court. The second issue which will automatically come is as to whether Section 482 Cr.P.C. can be invoked when a final order is passed in abuse of the process of the Court.

8. It is needless to say that Section 482 is a saving provision. It saves the inherent power of the criminal Court to do substantial justice when the Court finds that an order is inherently bad as it was passed without giving opportunity to the opposite parties.

9. In my considered opinion under the facts and circumstances of this case, this Court recalls the order passed in Cr. Revision No. 206 of 2023 on 17th of February, 2024 and dispose of the Criminal Revision after service of notice upon the opposite parties. For, this reason, if the opposite parties are directed to move before the Hon'ble Supreme Court, it will cause unnecessary harassment to them and judicial process does



not permit such harassment.

10. For the reasons stated above, this Criminal Miscellaneous Case is allowed.

11. The order passed in Cr. Revision No. 206 of 2023, on 17th of February, 2024, is recalled.

12. Since the Private Opposite Parties have entered appearance in the instant Criminal Miscellaneous Case, service of notice upon them is waived. They are permitted to contest Cr. Revision No. 206 of 2023 filed by the petitioner/private opposite party.

(Bibek Chaudhuri, J)

skm/-

AFR/NAFR	AFR
CAV DATE	24.08.2026
Uploading Date	03.09.2026
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