

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1517 OF 2015

SHAILENDRA KUMAR SINHA

APPELLANT(S)

VERSUS

THE STATE OF BIHAR & ORS.

RESPONDENT(S)

ORDER

1. The appeal is directed against the judgment and order dated 19.02.2015 passed by the High Court in Criminal Miscellaneous Case No.17754 of 2011 in Satish Kumar Rai and Ors. Vs. The State of Bihar and Anr.

2. The High Court by the aforesaid order has quashed the cognizance order and the entire proceedings in pursuance thereof.

3. The appellant is a home buyer and had invested money with the respondents for the purchase of a flat. An agreement was also executed between the parties but the copy of the same was not supplied to the appellant and it is for this reason the appellant infers that the respondents from the very beginning had the intention of deceiving the appellant.

4. On the complaint of the appellant, a cognizance order was passed by the Trial Court on 17.12.2007. This order was challenged by the respondents, by means of a revision which was dismissed on 15.01.2008. Despite the fact that the revision was dismissed, the

respondents availed the remedy of a Second Revision by way of a petition under Section 482 of CrPC before the High Court, wherein the impugned order has been passed, quashing the cognizance order as well as the criminal proceedings in pursuance thereof.

5. The submission is that the respondents could not have filed the second revision and secondly, the High Court was not justified in quashing the criminal proceedings.

6. It has been settled by this Court that **though in criminal proceedings a second revision is not maintainable at the behest of the same party in view of Section 397 of the CrPC, it would not impair the power of the High Court under Section 482 of the CrPC to exercise supervisory/ revisional power which is inherent in nature, though to be exercised sparingly and cautiously when the Sessions Judge has simultaneously exercised revisional power under Section 397(1) of the CrPC.** Therefore, the submission that the revision in the form of a petition under Section 482 of the CrPC was not maintainable is devoid of any merit.

7. Learned counsel for the appellant took us to the complaint. A perusal of the complaint does not reveal commission of any offence as has also been held by the High Court and therefore, we are of the view that there is nothing wrong on part of the High Court in quashing the criminal proceedings.

8. However, in view of the fact that the private-respondents

despite having moved in Criminal Revision No. 13 of 2008 before the Sessions Judge against the order of cognizance dated 17.12.2007 which was dismissed by order dated 15.01.2008, did not disclose it before the High Court in Criminal Miscellaneous Case No. 17754 of 2011 on which the impugned order was passed, cannot be condoned for the reason that this was a vital fact and would have been a relevant factor for the High Court while considering the prayer of the private-respondents. In view thereof, for such suppression of a relevant and vital fact before the High Court, we deem it appropriate to direct the private-respondents to pay a sum of Rs.1,00,000/- (Rupees One Lakh) to the appellant within a period of three weeks from today. This is without prejudice to the rights of the parties in the civil proceedings, if any, pending *inter se*.

9. The appeal is allowed in the aforesaid terms.

10. Pending application(s), if any, shall stand disposed of.

.....J.
[PANKAJ MITHAL]

.....J.
[AHSANUDDIN AMANULLAH]

NEW DELHI;
JANUARY 16, 2025.

ITEM NO.104

COURT NO.16

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1517/2015

SHAILENDRA KUMAR SINHA

Appellant(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

Date : 16-01-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s): Ms. Rachitta Rai, AOR
Mr. Samresh Chander Jha, Adv.
Mr. Shehan Ashrat, Adv.

For Respondent(s): Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Jose Abraham, AOR

Mr. Sagar Saxena, Adv.
Mr. Parmeet Singh, Adv.
Mr. Rajeev Maheshwaranand Roy, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The appeal is partly allowed, in terms of the signed order, placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(GEETA JOSHI)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
ASSISTANT REGISTRAR