

(2010) 04 PAT CK 0142
In the Patna High Court

Bhuvaneshwar Raut

APPELLANT

Vs

The State of Bihar and Mahendra Raut

RESPONDENT

Date of Decision : 30-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 420, 465, 467, 468

Citation : (2010) 04 PAT CK 0142

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—On 28.4.2010, when the case was called out, none appeared on behalf of the petitioner either to press this petition or to make a prayer for adjournment. however, as a last indulgence, the case was adjourned for a day. It was made clear that if on the next day, no one appears on behalf of the petitioner, the case shall be decided on the basis of materials available on the records of the case. It was also noticed that in the present case, interim order of stay is continuing since 30.9.1999. Today again, when the case was called out, none has come forward to press this petition. It appears that after obtaining the order of stay, the petitioner has lost his interest in the present case.

2. The sole petitioner, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, has prayed for quashing of order dated 10.7.1999/12.7.1999 passed by Sub-Divisional Judicial Magistrate, Rosera. By the said order, the learned Magistrate, after examining the complaint petition, statement of complainant recorded on S.A. and evidence of two witnesses, who were examined during enquiry, has found that prima facie case was made out for the offence under Sections 420, 465, 467, 468 and 406 of the Indian Penal Code.

3. I have examined the impugned order as well as materials available on record. I do not find any error in the order of cognizance. Accordingly, the petition stands rejected.

4. In view of rejection of the present petition, interim order of stay stands automatically vacated.
5. Let a copy of this order be sent to the court below forthwith.