
(2010) 11 PAT CK 0076

In the Patna High Court

Case No : Criminal Miscellaneous No. 49432 of 2006

Chandrawati Devi and Sanmukh Sao

APPELLANT

Vs

The State of Bihar and Ranglal Sao

RESPONDENT

Date of Decision : 09-11-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 323, 34, 468, 471

Citation : (2010) 11 PAT CK 0076

Hon'ble Judges : Akhilesh Chandra, J

Bench : Single Bench

Judgement

Akhilesh Chandra, J.—On repeated calls and waiting for substantial long period, none appeared on behalf of learned Counsel for the petitioners. Learned Counsel for the opposite party No. 2 and Additional Public Prosecutor are present. Similar was the position yesterday also.

2. This is an application u/s 482 of the Code of Criminal Procedure seeking quashing of order dated 10.02.2005 passed by Shri J.K. Dubey, Judicial Magistrate, 1st Class, Rohtas at Sasaram, in Complaint Case No. 1107 of 2004 taking cognizance for the offences under Sections 468, 471/34 and 323 of the Indian Penal Code and further order dated 31.08.2006 passed by Sessions Judge, Rohtas at Sasaram in Criminal Revision No. 74 of 2005 dismissing the Revision Application against order taking cognizance.

3. My attention was drawn towards earlier orders of this Court indicating that due to non appearance, this application was earlier dismissed for non-prosecution bearing order dated 29.08.2007 at the admission stage. However, after restoration, it could be admitted for hearing on 25.03.2009 by some order further proceeding of the court below was ordered to be stayed.

4. Considering non-appearance of the petitioner, this application stands dismissed. Order of stay automatically terminates, of course, without affecting right of the petitioner to agitate all his points before the trial court at an

appropriate stage preferably at the time of hearing on the point of charge, if trial is yet to commence. Simultaneously, court below is directed to proceed expeditiously.

5. Let a copy of this order be communicated to the court below through Fax at the cost of opposite party No. 2, as prayed.