

(2010) 05 PAT CK 0032

In the Patna High Court

Sudarshan Singh @ Sudarshan Prasad Singh

APPELLANT

Vs

The State of Bihar and Muktinath

RESPONDENT

Date of Decision : 03-05-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2010) 05 PAT CK 0032

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—On 30.4.2010, when the case was called out none appeared on behalf of the petitioner either to press this petition or even to make a prayer for adjournment. However, as a last indulgence the case was adjourned for the day. It was noticed by the Court in its order dated 30.4.2010 that the order of stay is continuing since 21.1.2000. It was also recorded that it is made clear that if one the next date no one appears on behalf of the petitioner, the case shall be decided on the basis of materials available on the record.

2. Today again when the case was called out none has come forward to press this petition.

3. The sole petitioner, while invoking inherent jurisdiction of this Court u/s 482 of the Code of Criminal Procedure, has prayed for quashing of the order dated 29.5.1999 passed by Sri S.K. Srivastava, S.D.J.M., Begusarai in Complaint Case No. 336(C) of 1999. By the said order, the learned Magistrate has taken cognizance of the offence under Sections 500 and 120B of the Indian Penal Code.

4. I have perused the impugned order as well as complaint petition. I do not find any error in the order taking cognizance. Moreover at this initial stage, I am of the opinion that it is not appropriate to interfere.

5. Accordingly, the petition stands rejected.

6. In view of rejection of this petition, the interim order of stay dated 21.1.2000 stands automatically vacated.

Let a copy of this order be sent to the court below forth with.