

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48814 of 2014

In
Criminal Miscellaneous No. 13237 of 2012

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Subhash Rai son of Late Gujja Rai, resident of Mohalla Betwan Bazar,
P.S.Kashim Bazar, District Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar, Block Supply Officer, Urban Area, Munger Sadar,
Munger at present Supply Inspector, Bettiah, P.S.Bettiah, District West
Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015

Heard the parties.

The present application has been filed for restoration of Cr.Misc.No. 13237 of 2012 which stood dismissed on account of non-compliance of the court's peremptory order dated 12.11.2013 passed by this Bench.

From perusal of the record of Cr.Misc.No. 13237 of 2012 it appears that by order dated 30.03.2012, further proceeding in Munger Kotwali P.S.Case No. 399 of 2010 in which the petitioner is an accused was directed to be stayed and notice was issued to opposite party no.2, informant of the criminal case.

On 12.11.2013 on the request made by learned counsel appearing on behalf of the petitioner, four weeks' peremptory time was granted for filing requisites for issuance of fresh notice upon opposite party no.2 both by ordinary process as also by registered post with A/D. The returned copy, if available was ordered to be utilized.

Though aforesaid order was passed in presence of learned counsel for the petitioner, but the said order was not complied with within the time frame. In the present application filed for restoration of Cr.Misc.No. 13237 of 2012, it has nowhere been stated that the aforesaid order dated 12.11.2013 has been complied with even belatedly by the petitioner. Though more than one year has already elapsed, yet the order dated 12.11.2013 has not been complied with by the petitioner.

It appears that the petitioner is playing a trick in order to take undue benefit of stay order passed by this Court as far back as on 30.03.2012, and not allowing the criminal trial to proceed in the court below.

In the aforesaid circumstances, this Court is not inclined to accede to the prayer made on behalf of the petitioner. Accordingly, this application for restoration is rejected.

Let this order be communicated to the learned court below forthwith with a direction to proceed further in accordance with law in the aforesaid Munger Kotwali P.S.Case No. 399 of 2010 and the trial of the petitioner shall be taken to its logical conclusion. The learned District and Sessions Judge, Munger shall ensure compliance of the present order.

(Birendra Prasad Verma, J)

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