

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18978 of 2011

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Nand Kishore Choudary Son Of Shri Harihari Chaudhary Resident Of Ward No.24,
Nagar Parishad, Supaul, Police Station and District-Supaul.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The Deputy Inspector General of Police, Koshi Range, Saharsa.
5. The District Magistrate, Supaul.
6. The Superintendent of Police, Supaul.
7. The Deputy Superintendent of Police, Supaul.
8. The Police Inspector, Supaul Police Station, District-Supaul.
9. Sri Banarsi Choudhary Son of Late Harilal Choudhary Resident of Nandlalpur,
P.S.-Kahalgau, District-Bhagalpur, the then Inspector of Supaul Police Station,
District-Supaul.
10. The District Arms Officer, Supaul.
11. The Station House Officer, of Supaul Police Station, District-Supaul.
12. Ranjeet Prasad Son of Shri Basudeo Prasad Resident of Ward No. 12, Durg
Centre, Thana Road, Police Station and District-Supaul.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amrit Abhijat, Advocate
For the State : Mrs. Ratna Kumari, A.C. to S.C.13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-08-2015

It appears from Annexure-5 that appeal of the petitioner bearing Arms Appeal No.4 of 2009 was dismissed for want of prosecution on 22.12.2009 in view of the fact that the petitioner did not appear after 06.11.2009. Thereafter, it appears that the petitioner filed restoration application which was also dismissed vide order dated 22.02.2010 passed in Misc. Appeal No.9 of 2010.

However, in the facts and circumstances of the case that

the petitioner claims to have been acquitted from all charges in almost all the criminal cases and in remaining cases final form was submitted by the prosecution exonerating him which has been accepted by the competent court as per his claim, I deem it desirable that the appeal be heard on merit.

Accordingly, the orders dated 22.12.2009 and 22.02.2010 passed by the appellate authority are quashed and matter is remitted back to the Commissioner, Kosi Division, Saharsa for consideration of appeal on its own merit. Petitioner would be required to appear with a copy of this order within four weeks failing which the Commissioner would be entitled to take a decision even in the absence of the petitioner on the basis of records available before him.

The present application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

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