

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34787 of 2014

In
Criminal Miscellaneous No.26295 of 2012

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Nagendra Prasad Chaurasiya, S/o Late Dhoda Bhagat, Resident of Village Inarwa, P.O. Oraya, P.S. Adapur, District East Champaran (Motihari).

.... Petitioner

Versus

1. The State of Bihar.
2. Najla Khatoon, W/o Zafir Mian, R/o Village Inarwa, P.O. Oraya, P.S. Adapur, District East Champaran, Motihari

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the O.P. No.2 : Mr. Sunil Kumar No.-III

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 07-01-2015 Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of Cr.Misc.No.26295 of 2012, which stood dismissed for want of prosecution by the order dated 11.11.2013 passed by this Bench.

On examination of the records of Cr.Misc.No.26295 of 2012, this Court finds that the petitioner had filed the aforesaid application for quashing the order dated 02.06.2007 passed by the learned Judicial Magistrate, Raxaul at Motihari, whereby cognizance was taken for the offence under Section 376/34 of the Indian Penal Code and processes were issued against accused persons including the petitioner.

Since the date of the order taking cognizance more than 7 years have already elapsed, therefore, this Court is of the opinion that, instead of restoring the aforesaid Cr.Misc.No.26295 of 2012 to its original file, interest of justice shall be sub-served, if the

petitioner is granted liberty to file a fresh petition before this Court for grant of an appropriate relief after taking into consideration the subsequent developments, which might have taken place since 02.06.2007 when cognizance was taken. It is ordered accordingly.

If such a petition is filed on behalf of the petitioner, after bringing on record all the subsequent developments, then the same shall be heard on its own merit without being prejudiced/influenced by the order dated 11.11.2013 passed in Cr.Misc.No.26295 of 2012.

The present application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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