

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11153 of 2013

Arising Out of PS.Case No. -73 Year- 2007 Thana -MADHUBANI COMPLAINT CASE District- -

- =====
1. Bijay Chaudhary son of Late Ramswarup Chaudhary resident of village – Ekma, P.S.- Laukha, Distt.- Madhubani
 2. Ram Bharosa Chaudhary son of Ramnath Chaudhary,
 3. Shyam Bharosa Chaudhary son of Ramnath Chaudhary
 4. Ramnath Chaudhary son of Late Nathuni Chaudhary

Petitioner nos. 2 to 3 are residents of village- Ekhatha, P.S.-
Khutauna, Dist.- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Choudhary son of Late Nathuni Choudhary, resident of village- Ekhatha, P.S.- Khutauna, Distt.- Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajanai Kant Singh, Advocate
For the Opposite Party/s : Smt.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

10 06-07-2015 This application under section 482 of the Code of Criminal Procedure (for short “the Code”) is in the nature of second revision which is barred under Section 397 (3) of the Code.

2. In that view of the matter, I am not inclined to entertain this application. Accordingly, the application is disposed of.

3. At this stage, learned counsel for the petitioner has submitted that during pendency of the application before this Court, the complainant-opposite party no.2 has died in August,

2014 and no person is prosecuting the matter on behalf of the complainant. He contends that in absence of the complainant, the trial of the case cannot proceed and the petitioner ought to be acquitted in terms of section 256 of the Code. Be that as it may, that may be a ground which should be taken first before the Magistrate concerned.

(Ashwani Kumar Singh, J)

Md.S./-

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