

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11766 of 2013**

Arising Out of PS.Case No. -3425 Year- 2010 Thana -PATNA COMPLAINT CASE District- -

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1. Suresh Prasad, Son Of Late Akhilesh Prasad, Resident Of Udaynan Apartment, Plot No.- 502, Boring Road, P.S.- Sri Krishna Puri, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Md. Sahid Akhtr, Son Of Md. Ali Kaunain, Resident Of Indira Puri Colony, Raja Bazar, P.S.- Shastri Nagar, District- Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Mayanand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO**

ORAL ORDER

2      19-05-2015

Heard learned counsel for the petitioner.

This application has been filed under Section 482 Cr.P.C. for quashing the order dated 01.02.2013 passed by learned Judicial Magistrate, 1<sup>st</sup> Class, Patna in Complaint Case No.3425(c) of 2010 whereby the court below has rejected the application filed by the petitioner for dispensing his personal attendance under Section 205 Cr.P.C. during the trial.

The learned counsel for the petitioner submitted that the petitioner is a businessman and, therefore, in connection with business he used to go outside Patna and, therefore, he will not be able to attend the case personally on each and every date.

Perused the order of the court below.

The court below has only rejected the application under Section 205 Cr.P.C. The only ground taken by the petitioner is that he is a businessman. In my opinion, only on this ground the personal attendance could not have been dispensed with by the court below and moreover from perusal of the order it appears that the court below with reference to earlier order has held that the application has become infructuous. In such circumstances, the order passed by the court below cannot be said to be patently illegal or any miscarriage of justice has been done.

Accordingly, this criminal miscellaneous application is dismissed.

**(Mungeshwar Sahoo, J)**

Harish/-

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