

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41235 of 2012

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Markandey Upadhyay son of Late Ram Chandra Upadhyay, resident of village- Iswarpura, Police Station- Dinara, District- Rohtas at present posted as Jodhpur, 33 Signal Unit, Air Force Station, Jodhpur as Rank of Sargeant (Set) State- Rajsthan.

.... Petitioner/s

Versus

1.The State of Bihar
2. Shreedhar Tripathi son of Late Ramadhar Tripathi
3. Raj Kishore Tiwary son of Late Kapildeo Tiwary
4. Nand Kishore Tiwary son of Late Kapildeo Tiwary
5. Rakesh Tiwary son of Raj Kishore Tiwary
6. Nilima Upadhyay daughter of Shreedhar Tiwary and wife of Markandey Upadhyay
All residents of village-Vishwambharpur, P.S.-Natwar, District-Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Tiwary, Advocate
For the State : Dr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 07-07-2015 In this application the petitioner has challenged the order dated 3.8.2012 passed by the District and Sessions Judge, Rohtas, Sasaram in Cr. Revision No.323 of 2011, whereby the revision petition filed by opposite party nos.2 to 6 has been allowed and the order dated 29.9.2011 passed by the learned Judicial Magistrate, 1st Class, Bikramganj in Complaint Case No.281 of 2011 by which the learned Magistrate has taken cognizance under sections 323, 379 and 504 of the Indian Penal Code and ordered for issuance of summons against the petitioner, has been set aside.

On 20.4.2015, a peremptory order was passed by this Court to issue notice to opposite party nos.2 to 6 under registered cover with A/D as well as ordinary process for which the petitioner was directed to file requisites within two weeks failing which it was ordered that the application would stand rejected without further reference to a Bench. It has been reported that the aforesaid order dated 20th April, 2015 has not been complied with within the time granted by this Court, as a result of which, the case as against opposite party no.2 to 6 has already been rejected.

Since the State of Bihar (Opposite Party No.1) is a formal party, the case cannot proceed in absence of the contesting parties.

In that view of the matter, the application is dismissed for want of prosecution.

(Ashwani Kumar Singh, J)

Md.S./-

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