

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33643 of 2013

Arising Out of PS.Case No. -268 Year- 1999 Thana -KOTWALI District- PATNA

Subhas Singh @ Subash Kumar Singh S/o Late Balistar Singh Resident of Village-
Karmaini Mohabbat Tola, Police Station- Kuchaikote, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-08-2016

The petitioner has been declared absconder vide order dated 30.01.2008 passed by the learned Judicial Magistrate-1st Class, Patna in Kotwali P.S. Case No. 268 of 1999. The challenge to the aforesaid order in revision has been dismissed by the Sessions Judge, Patna vide order dated 09.04.2013 passed in Cr. Revision No. 824 of 2012.

The aforesaid revisional order dated 09.04.2013 is under challenge in the present application preferred under Section 482 of the Code of Criminal Procedure (for short 'CrPC').

From perusal of the aforesaid order dated 09.04.2013, it would be evident that in respect of a case of the year 1999, the petitioner was summoned pursuant to submission of charge sheet on

05.10.1999 whereafter, he appeared before the learned Magistrate on 06.03.2000. He attended the proceedings till 06.01.2001 and, on 9th February, 2001, his bail bond was cancelled due to lack of pairvi by the court of Magistrate.

The aforesaid facts make it crystal clear that despite having full knowledge about the proceedings of the case, the petitioner failed to appear before the court for quite a long time and, hence, after exhausting all the processes, the court declared him absconder.

In view of the aforetasted facts, no illegality can be found with the impugned order passed by the Magistrate. That apart, the instant application preferred under Section 482 of the CrPC is in the nature of second revision, which is barred under Section 397(3) of the CrPC.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	06.08.2016
Transmission Date	06.08.2016