

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38062 of 2015

In

Criminal Miscellaneous No.10227 of 2013

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1. Nishant Praveen Chaurasia, son of Indrasan Prasad Chaurasia
2. Seema Nishant Chaurasia,, wife of Nishant Praveen Chaurasia
3. Ashok Kumar Katib, S/o Late Suresh Prasad
All R/o Village- Fulwar, P.O.- Banjaria, East Champaran, A/p- Laxmipur
(Dhangarhwa Mai Asthan), P.S.- Raxaul, Permanent Address- Village-
Gamaharia, P.S.- Darpa, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-01-2016 Heard the parties.

The present application has been filed on behalf of the petitioners for restoration of Cr.Misc.No.10227of 2013, which stood dismissed for want of prosecution by an order dated 21.05.2015.

The aforesaid Cr.Misc.No. 10227of 2013 was filed for quashing the order dated 08.02.2010 passed by the learned Judicial Magistrate, Motihari in Complaint Case No.1634 of 2009 by which cognizance was taken under Sections 417 and 465 of the Indian Penal Code.

After the aforesaid order dated 08.02.2010, almost five years have already elapsed, but all the subsequent developments, which might have taken place before the learned court below during the interregnum period, have not been brought on record.

In above view of the matter, instead of restoring the aforesaid Cr.Misc.No.10227 of 2013, this Court is of the opinion that interest of justice shall be sub-served, if the petitioners are granted liberty to file a fresh quashing petition in the same subject matter, after bringing on record all the subsequent developments, which might have taken place in the court below during the interregnum period and, if cause of action is still surviving. It is ordered accordingly

If such petition is filed on behalf of the petitioners and if the cause of action is still surviving, then the same shall be considered and decided on its own merits without being prejudiced by the dismissal of the aforesaid Cr.Misc.No.10227 of 2013.

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

(Birendra Prasad Verma, J)

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