

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50831 of 2015**

**In**  
**Criminal Miscellaneous No.10297 of 2013**

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Sarita Devi wife of Late Amarjeet Singh, resident of village Dudhaila  
Gachhi, P.S.Sonepur, District Saran (Bihar)

.... .... Petitioner/s

Versus

1. The State of Bihar

2. Smt. Krishnakanta Devi wife of Heera Lal Sah, resident of village  
Parvejabad, Pahari Chak, P.S.Sonepur, District Saran (Bihar)

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

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr.I.Mohammad, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2      27-01-2016

Heard the parties.

The present application has been filed for restoration of Cr.Misc.No. 10297 of 2013, which stood dismissed for want of prosecution by order dated 21.05.2015.

In the aforesaid Cr.Misc.No. 10297 of 2013, the petitioner had questioned the validity and correctness of the order dated 12.07.2012 passed in Trial No. 3814 of 2013 by the learned Judicial Magistrate, 1<sup>st</sup> Class, Saran at Chapra, whereby cognizance was taken under various sections of the Indian Penal Code and summons were issued to the accused persons including the petitioner for facing the trial.

After the aforesaid order dated 12.07.2012, more than three and half years have elapsed, but all the subsequent developments have not been brought on record.

In above view of the matter, the present application is disposed of with a liberty to the petitioner 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.

If such a petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order and cause of action is still surviving, then the matter shall be decided on its own merits without being prejudiced/influenced by the rejection of Cr.Misc.No. 10297 of 2013 by order dated 21.05.2015.

**(Birendra Prasad Verma, J)**

Tahir/-

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