

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31057 of 2016

- =====
1. Ajit Kumar son of Lakhan Das
 2. Jyotish Das @ Kyotish Kumar Das
- Both probation Officer, posted in the Chandan Police Station, P.S.
Chandan, District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s : Sri Ramchandra Sahani, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 27-07-2016 The instant application under Section 482 of the Code of Criminal Procedure has been filed for restoration of Cr. Misc. No. 19920 of 2013 which stood dismissed for want of prosecution on 08.05.2014.

The aforesaid Cr. Misc. No. 19920 of 2013 was filed by the petitioners for quashing the order dated 1st March, 2013 passed by the learned Chief Judicial Magistrate, Banka in Complaint Case No. C-453 of 2012 whereby he had summoned the petitioners to face trial finding a *prima facie* case to be made out under Section 504 of the Indian Penal Code.

It is submitted by learned counsel for the

petitioners that on 08.05.2014, learned counsel for the petitioners was out of Patna and as such, he could not appear before this Court when Cr. Misc. No. 19920 of 2013 was called out.

There is no plausible explanation for the undue delay of over two years in filing the present application from the date of dismissal of Cr. Misc. No. 19920 of 2013. It is not known what is the stage of the complaint case as on date.

In that view of the matter, I am not inclined to allow the present application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

U		T	
---	--	---	--