

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41881 of 2015**

**In**  
**Criminal Miscellaneous No. 13717 of 2013**

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Sunil Kumar, son of Late Ram Chandra(the then Anchal Adhikari, Raxaul),  
resident of Sikandara, Police Station-Sikandara, District-Jamui

.... .... Petitioner.

Versus

1. The State of Bihar
  2. Vinod Kumar Jaiswal, son of Late Kedar Prasad, resident of Village-Koiriya Tola, Trilokinagar, Raxaul, Police Station-Raxaul, District- East Champaran.
  3. Munni Devi, wife of Late Ashok Kumar Jaiswal, resident of Village-Koiriya Tola, Trilokinagar, Raxaul, Police Station-Raxaul, District East Champaran.
  4. Suraj Kumar , son of Late Ashok Kumar Jaiswal, resident of Village-Koiriya Tola, Trilokinagar, Raxaul, Police Station-Raxaul, District –East Champaran.
  5. Ranjan Kumar, son of Late Ashok Kumar Jaiswal, resident of Village-Koiriya Tola, Trilokinagar, Raxaul, Police Station-Raxaul, District –East Champaran
- .... .... Opposite  
Party/s
- =====

**Appearance :**

For the Petitioner : Mr. J. K. Pandey, Advocate.

For the Opposite Party No.1 : Mr. M.K. Nirala, 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 petitioner for restoration of Criminal Miscellaneous No.13717 of 2013, which stood dismissed for want of prosecution by an order dated 30.072015.

Aforesaid Criminal Miscellaneous No. 13717 of 2013 was filed on behalf of the petitioner for quashing the order dated 22.08.2012 passed by the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in Complaint Case No. 103 of 2012 by which cognizance was taken under Sections 468 and 420 of the Indian Penal Code and the accused person was summoned

to face trial.

After the aforesaid order dated 22.08.2012 more than three years have already elapsed, but all the subsequent developments, which might have taken place in the Court below, have not been brought on record.

In above view of the matter, instead of restoring Criminal Miscellaneous No.13717 of 2013 to its original file, this Court is of the opinion that interest of justice shall be sub-served if the petitioner is 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. It is ordered accordingly.

If such a petition is filed on behalf of the petitioner in the same subject matter and if cause of action is still surviving, then the same shall be considered and decided on its own merit without being prejudiced by dismissal of Criminal Miscellaneous No. 13717 of 2013 by order dated 30.07.2015.

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

**(Birendra Prasad Verma, J)**

BTiwary/ Brajesh-III

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