

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37305 of 2015

In

Criminal Miscellaneous No.7078 of 2013

=====

1. Uma Pandit, son of Aghori Pandit
2. Thakur Pandit, son of Sukar Pandit
3. Shyam Sunder Pandit, son of Sukar Pandit
4. Ram Swaroop Pandit, son of Sukar Pandit
5. Horil Pandit, son of Aghori Pandit
All resident of village Barajor, P.S.- Jhajha, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ayodhya Das @ Jagarnath Pandit, son of late Pokhan Pandit, resident of Barajore, P.S.-Jhajha, District-Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Adv.

For the Opposite Party no.1: Mr. Hirday Pd.Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-01-2016 The present application has been filed on behalf of the petitioners for restoration of Cr.Misc.No.7078 of 2013, which stood dismissed for want of prosecution by an order dated 02.07.2015.

The aforesaid Cr.Misc.No.7078 of 2013 was filed for quashing the order dated 15.03.2012 passed by the learned Chief Judicial Magistrate, Jamui by which cognizance was taken under Section 364/34 of the Indian Penal Code against the petitioners and they were summoned to face trial.

After the aforesaid order dated 15.03.2012, almost four 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.7078 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 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.7078 of 2013.

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

(Birendra Prasad Verma, J)

Arvind/-

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