

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21672 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Birendra Kumar son of Late Satya Narain Sharma, residing at Flat No. 302 3rd Floor, Type - B, Durga Apartment, Mahesh Nagar, P.S.- S.K. Puri, District - Patna

.... Petitioner/s

Versus

Smt. Niharika, Judicial Magistrate, 1st Class, Patna, District- Patna

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 05-08-2016

It is contended by learned counsel for the petitioner that despite an application having been filed on 3rd June, 2010 in the court of Judicial Magistrate, 1st Class, Patna in Complaint Case No.2865(C) of 2003, the application has not been disposed of till date. In this regard a reference has been made by the learned counsel for the petitioner to the order dated 4.10.2010 passed by the Magistrate by which a report was called for on the application filed by the petitioner on 3rd June, 2010. It is submitted that though the complainant has died as back as in the month of June, 2010, the complaint case is continuing by frequently adjourning the case in absence of the complainant. Even, the application for discharge filed by the petitioner on 23.7.2011 has not been disposed of till date.

2. From perusal of the order-sheet as contained in

annexure-5 to the present application, prima facie, the contention of the petitioner appears to be correct. The proceedings of the case show total non-application of mind on the part of the concerned Magistrate.

3. In that view of the matter, I direct the Judicial Magistrate, 1st Class, Patna, who is in seisin of the Complaint Case No.2865(C) of 2003, to personally look into the grievance of the petitioner and pass appropriate orders in accordance with law on all the applications filed by the petitioner without any delay, preferably within two months from the date of receipt/production of a copy of this order. The learned Sessions Judge, Patna shall ensure that the order passed by this Court is communicated to the court concerned.

4. Let a copy of this order be communicated through fax to the learned Sessions Judge, Patna forthwith.

5. With the aforesaid observation and direction the application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	