

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40550 of 2014

Arising Out of PS.Case No. -159 Year- 2011 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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Purnendu Bhushan Singh Son of Late Ramchander Singh resident of
village- Rajoura, P.S.- Muffasil, District- Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Anand Kishore Chaudhary(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 28-08-2017 Despite repeated calls, no one appears on behalf of
the petitioner. Counsel for the State is present.

The instant application has been filed for quashing
the order dated 19.04.2013 passed in Harsidhi P.S. Case No. 159
of 2011 whereby the Chief Judicial Magistrate, Sadar, Motihari
took cognizance under sections 409, 420, 467, 471 and 120B of
the Indian Penal Code.

From perusal of the order sheet, it appears that there
is no interim order, staying the proceeding of the court. Since
more than four years has elapsed of the order taking cognizance
dated 19.4.2013 and no one appearing on behalf of the petitioner
to press the petition, it appears that either the petition has become



infructuous during the interregnum period or petitioner has lost interest in the present case.

Under such circumstances, when counsel for the petitioner is not appearing in this case nor prayer has been made on behalf of the petitioner for adjournment of the case, no useful purpose would be served by keeping the matter pending. The application is disposed of with liberty to the petitioner to approach before the court below and raise all such submissions as pleaded in the present application and other submissions as would be available to the petitioner by filing appropriate application before the court below. The court below is expected to dispose of such application if filed by the petitioner by a reasoned and speaking order within a period of three months from the date of filing of such petition, if the court below has not disposed of the case as yet and the matter is still pending in the court below.

(Anil Kumar Upadhyay, J)

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