

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20264 of 2014

Arising Out of PS.Case No. -634 Year- 2007 Thana -COMPLAINT CASE District- JAMUI

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Vidyabrat Kavi Kumar Singh S/o Late Surendra Prasad Singh Resident of
Bypass Road, Mahisouri, P.S & District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chandra Shekhar Raman @ Mintu S/o Moti Prasad Singh Resident of
village- Kasmara, Badhara, P.S- Badhara Kothi, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No-2
Mr. Dharmendra Kr.Raja, adv

For the Opposite Party no.2 : Mr. Gyanand Roy, Adv

For the State : Md. Fahimuddin,APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

5 08-09-2017 Heard learned counsel for the petitioner, State and the
counsel appearing on behalf of the opposite party no.2.

Counsel for the petitioner submits that the court below has committed error of the jurisdiction in not restoring the case in view of the fact that the complainant was not vigilant in prosecuting his case and the case was dismissed for default ignoring the fact that complainant was not vigilant in prosecuting the complaint case.

Counsel for opposite party no.2 submits that the revisional court has granted liberty to the petitioner to file a fresh complaint case and as such the petitioner will not suffer any prejudice.

Having regard to the peculiar facts and circumstance



including the fact and also on consideration of the order passed by the revisional court in Cr. Revision No. 109 of 2013, the court is of the view that this application has remained pending for long, no useful purpose could be served by allowing the application and directing for restoration. The petitioner in view of the order of the revisional court dated 13.3.2014 would file a fresh complaint case and filing of such complaint case in no way will cause prejudice to the petitioner. If such application is filed by the petitioner, the court below is directed to proceed in accordance with law without being prejudiced by any of the observation of either the revisional court or this court.

With the aforesaid observation the application.

(Anil Kumar Upadhyay, J)

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