

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47643 of 2013

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Rajesh Lal @ Rajesh Kumar Srivastava Son Of Bachacha Lal R/O Village-Kalyanpur, P.S. Bhore, Distt-Gopalganj

.... Petitioner

Versus

1. The State Of Bihar
2. Rajendra Sah Son Of Late Lalu Sah R/O Village-Kalyanpur, P.S. Bhore, Distt-Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Tripathi

For the Opposite Party/s : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 23-06-2017

This petition for quashing is filed against the order dated 15.05.2007, passed by learned Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No.1117 of 2002 (Trial No.1334 of 2004) as well as order dated 10.04.2013, passed by learned 2nd Additional Sessions Judge, Gopalganj in Criminal Revision No.294 of 2007.

The petitioner is accused in Complaint Case No.1117 of 2002 and he filed petition under Section 205 Cr.P.C. for dispensing him from his appearance in the trial court as he was living abroad in Singapore and working as a labourer. The petition was rejected by the trial court as well as the revision petition bearing No.294 of 2007 by order dated 10.04.2013, passed by 2nd Additional Sessions Judge, Gopalganj. Both courts rejected the



petition on the ground that no document was filed to show that the petitioner is abroad at present.

Learned counsel for the petitioner submits that it is true that documents showing petitioner residing abroad were not filed but in the present petition the petitioner has filed photo copies of passport and visa, however said document filed by petitioner shows that visa was valid only up to 08.04.2002 and there is stamp of cancellation on the passport dated 18.07.2007 so the petitioner has not made out any case to dispense with his personal attendance before the trial court, therefore, in absence of any ground for interfering with the impugned order dated 15.05.2007, passed by learned Judicial Magistrate, 1st Class, Gopalganj in Complaint Case No.1117 of 2002 (Trial No.1334 of 2004) as well as order dated 10.04.2013, passed by learned 2nd Additional Sessions Judge, Gopalganj in Criminal Revision No.294 of 2007, the quashing petition is dismissed.

(Arun Kumar, J.)

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