

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20329 of 2014

Arising Out of PS.Case No. -820 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Vinod Narayan Taterway son of late Jagat Narayan Taterway resident of Mohalla Mahrshi Nagar, Lakhni Bigha Road, Post Office - Khagaul, Police Station - Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Radha Krishna @ Pappu son of Sri Shiv Jatan Prasad Singh resident of Village - Parsawan, Police Station - Pandarak, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, (APP)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 12-07-2017 Heard learned counsel for the petitioner and the State.

Having regard to the nature of dispute and the alleged involvement of the petitioner in this case, counsel for the petitioner is justified in making submissions that an Advocate cannot be fastened with any criminal liability for sending legal notice on behalf of his client. The instant case, prima facie, appears to be an abuse of the process.

Considering the fact that this case is pending since 2014, no useful purpose will be served in keeping this pending in this Court. The application is being disposed of at this stage with liberty to the petitioner to file an appropriate application for



discharge.

It goes without saying that if such an application is filed within a period of one month from today, the Court below will address each and every issue raised in such application including the fact that the Advocate sending legal notice cannot be fastened with the criminal case, if he has sent the legal notice on the instruction of his client.

The court below is directed to dispose of such application, if filed, within a further period of two months.

With the aforesaid observations, the application stands disposed of.

(Anil Kumar Upadhyay, J)

S.Pandey/-

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