

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46456 of 2016

Arising Out of PS.Case No. -213 Year- 2005 Thana -BARAUNI District- BEGUSARAI

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Sanjay Kumar Singh, Son of Ram Bilas Singh, resident of Village-Rajwara, P.S.-
Barauni, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra, Advocate
Mr. Ram Bahadur Jha, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-08-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. By way of the present application preferred under
Section 482 of the Code of Criminal Procedure, the petitioner seeks
quashing of the order dated 22.08.2016 passed in Cr. Revision
No.335 of 2016 by the learned Sessions Judge, Begusarai whereby
he has dismissed the revision application preferred against the order
dated 29.03.2016 passed by the learned Judicial Magistrate-1st
Class, Begusarai in Barauni (Garhara O.P.) P.S. Case No. 213 of
2005 whereby processes have been issued against the petitioner
under Section 83 of the Code of Criminal Procedure (for short 'Cr.
P.C.').



3. It would be evident from the record that in the aforesaid Barauni (Garhara O.P.) P.S. Case No. 213 of 2005, charge-sheet had been submitted on 16.10.2009 and summon was issued against the petitioner on 16.11.2009. On failure to appear despite service of summons, bailable warrant of arrest was issued against him on 07.01.2011. On failure to appear in spite of issuance of bailable warrant of arrest, a non-bailable warrant of arrest was issued against him. As the petitioner failed to appear even after issuance of non-bailable warrant of arrest, the learned Magistrate, vide order dated 18.06.2011, issued proclamation order under Section 82 of the Cr. P.C. Since the petitioner failed to appear even after the order of proclamation passed under Section 82 of the Cr.P.C., the learned Magistrate, vide order dated 29.03.2016, passed order of attachment under Section 83 of the Cr. P.C.

4. Considering the manner in which the petitioner, while being on bail, failed to appear before the court in spite of steps taken by the court and delayed the trial for over six years, I see no illegality in the order passed by the revisional court or by the learned Judicial Magistrate whereby process has been issued against him under Section 83 of the Cr. P.C. Even otherwise, though this application has been filed under Section 482 of the Cr. P.C., the same is in the nature of second revision, which is barred under



Section 397(3) of the Cr. P.C.

5. In that view of the matter, the application being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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