

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.896 of 2015

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

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Sarita Kumari, Daughter of Late Hari Shankar Lal, Resident of Laund Bazar, P.S.-
Sridala, District-Nawada.

.... Petitioner.

Versus

1. The State of Bihar through Superintendent of Police, Nawada.
2. The Superintendent of Police, Nawada.
3. Pawan Kumar, Son of Late Saryu Prasad, Resident of Village- Badhauli Bazar,
P.S.-Sheikhpura, District-Sheikhpura, presently residing at Quarter No.31B,
BHEL, Colony, Sector-17, NIDA, Uttar Pradesh, posted as Deputy Manager,
BHEL, NOIDA.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-09-2017

No one appears on behalf of the petitioner.

2. The writ application was filed for
necessary direction to the respondent to arrest the
respondent No.3, Pawan Kumar in connection with Sridala
P.S.Case No. 34 of 2010.

3. The supplementary counter affidavit filed
by the respondents would reveal that the chargesheet has
already been submitted against respondent No.3, Pawan
Kumar, and other accused persons have not been sent up for
trial. The chargesheet has been submitted after attachment of
property of respondent No.3, Pawan Kumar and declaring him
as absconder .



4. Respondent No.3 is appearing in this matter, however, it does not appear that why he is absconding in the main case.

5. Since main grievance of the petitioner has already been redressed and this Writ Court cannot direct arrest of the accused in exercise of the power under Article 226 and 227 of the Constitution of India in view of the judgment of the Hon'ble Apex Court in **2003 (2) SCC 649 M.C. Abraham Vs. State of Maharashtra** hence, writ application is disposed of with a direction to the learned Trial Court to proceed according to law, in absence of the accused who has already been declared absconder in the case, if the accused Pawan Kumar fails to appear within 15 days, because this order has been passed in presence of the learned counsel for the respondent No.2.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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