

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50944 of 2016

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Sachida Nand Jha, Son of Late Bolbodh Jha, Resident of Village- Rudauli,
P.S.- Bachhwara Distt- Begusarai.

.... Petitioner

Versus

1. The State of Bihar.

2. N.N. Jha, Advocate, Supreme Court at present Mohalla- Sisodia Bhawan,
Shivajee Nagar, P.S.- Town, District- Darbhanga.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 08-02-2017

Cr. Misc. No. 50944 of 2016

This application under Section 482 of the Code of Criminal Procedure has been filed for restoration of Cr. Misc. No. 35418 of 2013, which stood dismissed for want of prosecution on 10th August, 2016.

It is submitted by the learned counsel for the petitioner that since he was suffering from illness on 10th August, 2016, he could not attend the Court and the application got dismissed.

Considering the submission made by the learned



counsel for the petitioner, the application is allowed.

Cr. Misc. No. 35418 of 2013 is restored to its original file.

Cr. Misc. No. 35418 of 2013

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 27.08.2008 passed by the learned Chief Judicial Magistrate, Darbhanga in Darbhanga Town P.S. Case No. 70 of 2001 whereby finding a prima facie case under Sections 420, 384 and 120-B of the Indian Penal Code, the petitioner and other accused persons were summoned to face trial.

Learned counsel for the petitioner has produced copy of the order dated 01.08.2013 passed by this Court in Cr. Misc. No. 46554 of 2008 in the matter of one Mrityunjay Kumar Jha and Abhay Kumar Jha. The aforesaid Mrityunjay Kumar Jha and Abhay Kumar Jha are co-accused in Town P.S. Case No. 70 of 2001. They had challenged the impugned order dated 27.08.2008 before this Court. It would be evident from the operative part of the order dated 01.08.2013 that while allowing the application of the petitioners of Cr. Misc. No. 46554 of 2008, this Court has quashed the order of cognizance dated 27.08.2008 passed by the learned Chief Judicial Magistrate,



Darbhangha in connection with Town P.S. Case No. 70 of 2001.

In that view of the matter, this application filed under Section 482 of the Code of Criminal Procedure has become infructuous. Accordingly, it is dismissed as infructuous.

(Ashwani Kumar Singh, J.)

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