

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21403 of 2014

Arising Out of PS.Case No. -26 Year- 2005 Thana -NAYAGAON District- BEGUSARAI

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1. Gunjan Singh @ Gunjan Kumar Son of Budhan Singh Resident of village
Rahatpur, P.S- Ballia, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Surendra Rajak Son of Punchawadan Rajak Resident of village Dariyapur,
P.S- Nayagaon, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Adv

For the Opposite Party/s: Mr. Uma Nath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the parties.

This petition under Section 482 of the Code of Criminal
Procedure has been filed against the order dated 14.06.2013, passed
by the 3rd Additional Sessions Judge, Begusarai in Criminal Revision
No. 25 of 2013 as well as the order dated 06.08.2012 passed by
Judicial Magistrate, 1st Class, Begusarai, Nayagaon in P.S. Case No.



26 of 2005 (G.R. No. 979 of 2005) by which the petitioner was declared absconder.

The short facts of the case is that the informant had lodged Nayagaon P.S. Case No. 26 of 2005 on 25.04.2005 under Sections 341, 342, 323, 307, 504, 386 and 379/34 of the Indian Penal Code and Sections 3(1)(x)(3)(2) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989, the police investigated the case and chargesheet was submitted against the petitioner on 27.06.2008, being chargesheet no. 36 of 2008 and the same was received in the court on 02.07.2008. After submission of chargesheet, cognizance was taken and the case was committed to another Magistrate for its final disposal and trial.

From the records, it appears that the learned Magistrate directed the office on 06.02.2009 and 29.06.2009 to issue summons against the petitioner which was complied on 29.06.2009. On 06.08.2009 the learned Magistrate ordered to issue Non Bailable Warrant of arrest. Thereafter, on 27.06.2011 the learned Magistrate issued process under Section 82 of the Cr.P.C which was issued and service report was submitted by the police of Nayagaon on 27.07.2011. Thereafter processes were issued under Section 83 of the Cr.P.C on 14.10.2011. However, it is contended on behalf of the petitioner that without obtaining service report, the petitioner was declared permanent absconder. The processes were issued to the



petitioner for his appearance before the concerned court. However, in spite of having information about the issuance of processes for his appearance before the court below, the petitioner challenged issuance of processes and subsequent declaration of his permanent absconder by way of filing Criminal Revision No. 25 of 2013, in spite of direction of the revisional court to appear in the court below, as the matter has been compromised and the compromise petition was filed on 09.05.2008, before the learned Magistrate, the petitioner has filed this quashing application.

There is no illegality or irregularity in the orders passed by the court below and as such no interference is required in the order passed by the court below.

In the result, this petition fails and is, accordingly, dismissed.

(S. Kumar, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	05.07.17
Transmission Date	05.07.17

