

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21203 of 2014

Arising Out of PS.Case No. -1581 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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Pankaj Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan

For the O.P. : Mr. Uma Kant Shukla

For the Opposite Party/s : Mr. Indra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

6 18-08-2017 On 16.8.2017 despite repeated calls, no one appeared on behalf of the petitioner. However, counsel for the opposite party and the State assisted the court. The court noticed the order dated 21.8.2014 passed in the present proceeding by the court whereby the petitioner was directed to deposit Rs. 4000/- per month in the court below.

Counsel for the opposite party informs the court today that the petitioner is avoiding payment and is not making payment in terms of order dated 21.8.2015.

Even after repeated calls, no one appears on behalf of the petitioner. The petitioner was aware of the order dated 21.8.2014 which was passed on his petition and as such he was obliged to deposit the amount of Rs. 4000/- per month in terms of



direction of this court dated 21.8.2014, otherwise he has to face consequences. This court cannot tolerate avoiding the direction passed by this court and the attitude adopted by the petitioner in avoiding the court proceeding.

Under the compelling circumstances, the court is left with no option but to dismiss this application. The petitioner has to face trial before the court below as the defaulter is not entitled to any equitable consideration in exercise of jurisdiction under section 482 of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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