

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45689 of 2016

Arising Out of PS.Case No. -29358 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Vinay Sarawgi @ Binay Sarawgi, Son of Hanuman Sarawgi, resident of Swastik Fruits Products Pvt. Ltd. , Swastik House, Upper Bazar, P.S.- Kotwali, Ranchi, District- Ranchi.
 2. Rajiv Ranjan Bakshi, Son of Vinod Kumar Bakshi, resident of Swastik Fruits Products Pvt. Ltd. , Swastik House, Upper Bazar, P.S.-Kotwali, Ranchi, District- Ranchi.

.... Petitioners

Versus

1. The State of Bihar.
2. Ram Niwas Kumar, Son of Sri Rambachan Sharma, resident of Mohalla- Chandmari Road, P.S.-Kankarbagh, District- Patna Proprietor of M/s Ganpati Enterprises.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Opposite Party no.2: Mr. Ansul, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-07-2017

By way of the present application preferred under Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of the order dated 21.07.2016 passed by the learned Additional Chief Judicial Magistrate-cum-Sub-Judge-VII, Patna in Complaint Case No.29358(C) of 2014 whereby a composite order of issuance of non-bailable warrant of arrest and the process under Section 82 of the Code of Criminal Procedure (for



short 'Cr. P.C.') has been passed against the petitioners.

2. Several arguments have been advanced on behalf of the petitioners and learned counsel appearing on behalf of the opposite party no.2. However, learned counsel for the opposite party no.2 concedes that in case the petitioners appear before the court within a reasonable time and co-operates with the trial, he is not interested in getting the petitioners remanded to judicial custody.

3. Learned counsel for the petitioners after taking instructions from his clients would submit that the petitioners are ready to be physically present before the court of the learned Magistrate and they shall fully co-operate with the further proceedings of the case.

4. Having regard to the submissions made on behalf of the parties, without going into the legality of the challenge to the impugned order, I propose to pass the following orders:-

(a) The petitioners would appear before the court of the learned Magistrate on 14.07.2017.

(b) The impugned order dated 17.06.2016 passed by the learned A.C.J.M., Patna in Complaint Case No.29358 (C) of 2014 would remain in abeyance till 14.07.2017.



(c) In case of the appearance of the petitioners on 14.07.2017, the impugned order dated 17.06.2016 would stand quashed.

(d) In case, the petitioners appear on 14th July, 2017 before the learned Magistrate, the learned Magistrate would explain the substance of accusation to the petitioners on the same day and proceed with the trial expeditiously in accordance with law.

(e) In case, the petitioners would fail to appear on 14th July, 2017, the aforestated order dated 17.06.2016 would become operative and the learned Magistrate would take all possible steps in accordance with law to make them appear before the court.

5. Ordered accordingly.

6. The application stands disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2017
Transmission Date	11.07.2017

