

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30836 of 2017

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Rakesh Singh @ Prakash Kumar Singh Son of Shiv Nath Singh @ Vishva Nath Singh, Resident of Village- Anaith, P.S.- Ara Nawada, District- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. D.P.Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-08-2017 Heard Sri Prabhakar Singh, learned counsel for the petitioner and Sri Damodar Prasad Tiwary, learned Addl. Public Prosecutor.

The present petition has been filed with a prayer to restore Cr. Misc. No. 42994 of 2013, which stood dismissed on 21-06-2016 due to non-prosecution.

Sri Prabhakar Singh, learned counsel for the petitioner submits that the quashing application i.e. Cr. Misc. No. 42994 of 2013 was filed by the office of another counsel and even though the petition stood dismissed due to non-prosecution, no information was given to the client and thereafter, the petitioner approached him and as such, the present restoration petition was filed. He submits that it is a fit case for restoring the case.



However, during argument, he accepted that though the original petition i.e. Cr. Misc. No. 42994 of 2013 was filed for quashing of order dated 09-09-2013 passed in Sessions Trial No. 36 of 2013 (arising out of Ara Nawada P.S. Case No. 353 of 2012), whereby the petition for discharge of petitioner was rejected, after rejection of discharge petition, charge has already been framed and trial has commenced.

Considering the fact that after rejection of discharge petition, charge has been framed and trial has already commenced, it would be a futile exercise to restore the petition.

Accordingly, considering the aforesaid fact, there is no reason to allow the restoration petition and it stands dismissed.

(Rakesh Kumar, J.)

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