

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20913 of 2014

Arising Out of PS.Case No. -245 Year- 2012 Thana -LAHERIASARAI District- DARBHANGA

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Shrawan Kumar @ Srawan Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Satyendra Kumar Srivastava

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

6 23-08-2017 Despite repeated calls, no one appears on behalf of the petitioner. Counsel for the State is present.

From perusal of the record, it transpire that for the last several weeks, the case is running on the Board and even on previous occasion, despite repeated calls, no one appeared on behalf of the petitioner to assist the court.

Reference may be made to the order dated 19.07.2017 and 17.08.2017 where the court noticed the total reluctance on the part of the petitioner in pursuing the case.

This court was constraint to pass order dated 17.08.2017 noticing total indifferent attitude of the petitioner, the court noted that the order taking cognizance is dated 14.3.2013 and more than four years has elapsed but neither counsel for the



petitioner is appearing in this proceeding nor any material has been placed on record to indicate the present status of the case.

Under the compelling circumstances, no useful purpose would be served by keeping the matter pending. However, as a last indulgence, the case was adjourned for today. Even today, despite repeated calls, no one appeared on behalf of the petitioner. Counsel for the State is present.

From perusal of the petition, it appears that the petitioner has questioned the authenticity of the prosecution case as no reliable materials are available to support the case.

The court in exercise of jurisdiction under section 482 of the Cr.P.C. is not supposed to interfere in the matter of adequacy or inadequacy of the materials for passing the order taking cognizance. The learned court below on perusal of the record took cognizance and this court is not supposed to sit in appeal against the discretion exercised by the court below to pass order taking cognizance.

On perusal of the materials available in this case, this court is not inclined to interfere in the order passed by the court below. However, liberty shall be available to the petitioner to raise the issue of lack of evidence at appropriate stage before the court below.



With the aforesaid observation, the application is disposed of.

(Anil Kumar Upadhyay, J)

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