

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50460 of 2014

Arising Out of PS.Case No. -2879 Year- 2013 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Pankaj Kumar Chaudhary, son of Ganga Prasad Choudhary, resident of Village- Thekpura P.S.- Raniganj, District- Araria Raniganj near Kalawati Market, Police Station- Raniganj, District- Araria at present Nisha Pathology, first floor Kasba Medical Shop Line, Police Station- Sahayak K. Hat, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar,
2. Dileep Kumar Tiwari, son of Yogendra Tiwari, resident of Adarsh Nagar Bari Hat, Police Station- Sahayak K. Hat, District- Purnea

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr. Anil Kumar Singh, APP
Mr. Shantanu Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8/ 03-01-2018

It appears from the order-sheet dated 28.01.2017, 13.10.2017 and 21.11.2017 that none appeared on behalf of the petitioner on those dates.

Today also, none appears on behalf of the petitioner.
Counsel for the Opposite Party No.2 is present.

It is submitted by the counsel for the Opposite Party No.2 that earlier matter was mutually settled in the Mediation Centre for an amount of rupees five lac fifty thousand and it was agreed that after receipt of aforesaid amount Opposite Party No.2 will withdraw the case. But, the petitioner has not complied the



aforesaid terms of settlement arrived at in the Mediation Centre and no payment of the settlement amount has been made to the Opposite Party No.2.

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 12.03.2014 passed by the Judicial Magistrate, 1st class, Purnea, in CA case no.2879 of 2013, by which learned Magistrate after holding enquiry has found *prima facie* case against the petitioner for the offence under Section(s) 406, 420 Indian Penal Code.

From perusal of the impugned order, this Court does not find any illegality in the same.

It is made clear that the Court below will take appropriate steps against the petitioner for his appearance in the Court below and in the event the petitioner becomes ready to abide by the terms and conditions of the agreement arrived at the Mediation Centre of the Hon'ble Court on 22.06.2015, the Court below will pass appropriate order in accordance with law in the light of the agreement arrived at between the parties at the Mediation Centre of the Hon'ble Court.

In the event, the petitioner does not appear even after issuance of notice, the Court below will take appropriate steps for cancellation of his bail bond.



It is further made clear that in the event petitioner does not become ready to abide by the terms and conditions of the agreement arrived at Mediation Centre of the Hon'ble Court on 22.06.2015, the Court below will make all efforts to conclude the trial as early as possible preferably within a period of six months from the date of appearance of the petitioner keeping in view the fact that the case is of the year 2013.

This application is, accordingly, disposed off with observation made above.

(Sanjay Priya, J)

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