

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.997 of 2017

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Abdul Samee Siddiqui Son of Abdul Gani Siddiqui, R/o 01-A- III, Royal Sand, Behind Fame Adlab Road , P.S.- Shastri Nagar, Andheri (West), P.S.- Andheri, District- Mumbai (Maharashtra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shyam Bahadur Singh, S/o Late Sheo Barat Singh, Proprietor of Sharda Chakhitra, Kala Niketan, Chhoti Kelabari, P.O.- Munger, P.S.- Kotwali, District- Munger (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Sri Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 27-02-2018

The petitioner is aggrieved by the order dated 05.08.2017 passed in Complaint Case No. 452C of 2013 whereby the application preferred before the Court below under Section 205 of the Cr. P.C was rejected.

From the perusal of the order impugned, it appears that the Court below did not accord the aforesaid privilege under Section 205 of the Cr. P.C to the petitioner for the reason that the case was pending since 2013 and the petitioner had never appeared in that case.

The grounds raised by the petitioner of his illness was not found to be correct by the Court below because it was shown by the learned counsel for the complainant that he had



appeared before another Court in another matter though, lodged by the same complainant.

Though no interference is required in the present order but after taking into account the fact that the same complainant has lodged this case against the petitioner, which is pending before another Court, it is directed that the petitioner shall appear before the Court below within a period of six weeks from today and the Court below shall not unnecessarily insist for his day to day appearance. However, the petitioner would be required to follow/obey the directions of this Court and he shall also furnish an undertaking that he shall not object to the proceedings being conducted in his absence and that would abide by the same.

The Court below is directed to expedite the trial of the case as the matter is pending since 2013.

The present revision petition is disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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