

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47123 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- KHAGARIA

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Raj Nandan Paswan @ Rajniti Paswan, son of Late Tarani Paswan, Resident of village & P.O. Sonbarsha Ghat (Kathmara), P.S. Chautham, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Tara Devi, Wife of Arjun Prasad Singh, Resident of village - Kiranpur, P.S. Sultanganj, District - Bhagalpur
3. Purshottam Narayan Singh
4. Naresh Kumar Singh
- Both sons of Late Ramsharan Singh
5. Bijay Kumar Singh, son of Late Parmanand Singh
6. Yogesh Kumar Singh, son of Lal Kumar Singh O.P. 3 - 6 residents of village & P.O. Sonbarsha, P.S. Chautam, District - Khagaria
7. Rambriksha Sahani, son of Late Ramotar Sahni
8. Domi Sahni
9. Mukesh Sahni
- Both sons of Late Makhan Sahni
10. Chandeshwari Paswan
11. Darbeshwari Paswan
- Both sons of Mungo Paswan
12. Indradeo @ Ino Muni, son of Late Bahani Muni
13. Kishori Muni, son of Late Ram Khelawan Muni
14. Mulho Paswan, son of Late Debu Paswan
15. Badri Das, son of Late Baiju Das
16. Nago Paswan, son of Late Gema Paswan
- O.P. 7 - 16 are residents of village & P.O. Sonbarsha, P.S. Chautam, District - Khagaria
17. Fuleshwar Lal @ Fulan Lal, son of Late Ram Narayan Lal, Resident of village - Kathmara, P.S. Chautham, District - Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.
For the Opposite Party/s : Mr. J. Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-06-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated



17.02.2014 passed by the learned Second Additional District & Sessions Judge, Khagaria, in Criminal Revision No. 29 of 2011 refusing to drop the proceeding under Section 145 Cr. P.C.

2. None appeared on behalf of the petitioner.

3. It appears that earlier also none had appeared on 17.10.2017. The last chance was given to the petitioner but none appeared on behalf of the petitioner and the case was dismissed for non-prosecution by order dated 17.11.2017.

4. This Court after perusing the impugned order finds that earlier Criminal Revision was filed by the petitioner vide Criminal Revision No. 35 of 2007 by which the learned Magistrate was directed to dispose of the proceeding under Section 145 Cr. P.C. within six months.

5. From conduct of the petitioner it appears that matter is still pending before the learned Magistrate and another Revision has been filed by the petitioner vide Cr. Revision No. 29 of 2011 which was dismissed by order dated 17.02.2014. The aforesaid order is under challenge in this Criminal Miscellaneous application. It appears that petitioner himself is delaying the disposal of Proceeding under Section 145 Cr. P.C. There is specific direction by the Additional District & Sessions Judge, Khagaria, in Cr. Revision No. 35 of 2007 to dispose of the Proceeding under Section 145 Cr. P.C.



within six months.

6. Therefore, this application is disposed off with direction to the court below to take up the instant proceeding pending under Section 145 Cr. P.C., on day-to-day basis, and dispose of the same positively, within a period of six months from the date of receipt of this order, after issuing notice to both parties, in accordance with law after following Provision of Section 145 (4) Cr. P.C. The court below will send compliance report after disposal of the proceeding within time as ordered by this Court to the District & Sessions Judge, Khagaria, who will transmit the same to this Court.

7. Let this order be communicated to the District & Sessions Judge, Khagaria for its onward transmission to District Magistrate, Khagaria, for necessary compliance.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27/06/2018
Transmission Date	27/ 06/2018

