

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45593 of 2014

Arising Out of PS.Case No. -60 Year- 2011 Thana -HULASGANJ District- JEHANABAD

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Rakesh Kumar Singh, Son of Shyameshwar Prasad Singh, R/o Flat No. 203, Sobha Nikean Apartment, Jagdeo Path, P.S. Shastri Nagar, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 18-06-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 26.07.2012 passed by the learned Chief Judicial Magistrate, Jehanabad, in Trial No. 3380 of 2013 arising out of Hulasganj P.S. Case No. 60 of 2011 by which the learned Magistrate took cognizance against the petitioner for the offence under Sections 420, 431, 120(B) of the Indian Penal Code and Section 3 (2) (e) of the Prevention of damage to property Act.

2. Report was called for from the court below which has been received. The court below has mentioned in the report that the original case is pending in the court below for evidence and split up record of the accused Rakesh Kumar Singh (petitioner) is pending



for appearance as he has not appeared in the court below.

3. The petitioner was directed by order dated 29.11.2017 by a coordinate Bench of this Court first to appear in the court below before the petition is taken up for hearing. He was directed to file supplementary affidavit in proof of appearance of the petitioner in the court below but the same has not been filed on behalf of the petitioner by way of filing supplementary affidavit, which is apparent from the Office Notes dated 3.4.2018.

4. As such, the petitioner is absconding after taking cognizance by order dated 16.11.2017 passed by the court below. The case of the petitioner has been split up and is pending for evidence.

5. Therefore, this Court is not inclined to interfere with the impugned order by which cognizance has been taken against the petitioner.

6. This application is accordingly dismissed.

7. The court below will proceed in the trial in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26/06/2018
Transmission Date	26/06/2018

