

IN THE HIGH COURT OF JUDICATURE AT PATNA
Or. Criminal Miscellaneous No.3 of 2017

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1. Upendra Yadav @ Pramod Prasad son of Anant Lal Verma resident of mohalla Magadh Colony, Police Station - Chandauti, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Mr. Pramod Kumar Thakur, Director General of Police, Old Secretariate, Patna -1.
2. Mr. Saurabh Kumar, DIG, Magadh Commissioner, Gaya, District - Gaya.
3. Mrs. Garima Mallick, Superintendent of Police, Gaya.
4. Mr. Aditya Kumar, Superintendent of Police, Jehanabad.
5. Mr. Arun Kumar Rajak, Officer-in-charge, Tekari Police Station, District - Gaya.
6. Dr. Ram Balak Yadav, Officer-in-charge, Belaganj Police Station, District - Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailseh Kumar, Adv.
For the Opposite Party/s : Mr. Jharkhandey Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-01-2018 This application has been filed under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India for initiating a contempt proceeding against the opposite parties for deliberately and intentional violating the order dated 11.04.2013 passed by this Court in Cr.W.J.C. No. 612 of 2011.

I have perused the order dated 11.04.2013 passed in Cr.W.J.C. No. 612 of 2011. By the said order, the Superintendent of Police, Gaya was directed to personally look into the matter of



absconding accused persons in connection with Tekari P.S. Case no. 50 of 1993 registered under Sections 419, 420 and 120B of the Indian Penal Code.

The contention of the petitioner is that despite the direction, given by this Court, the accused persons could not be apprehended till date. Thus, the Superintendent of Police, Gaya has deliberately violated the order passed by this Court.

Learned counsel for the State submitted that despite all efforts made by the police, the absconding accused could not be located and that is the reason that they could not be apprehended and produced before the Court.

In the opinion of this Court, this application is totally misconceived. Even if the absconder accused is not apprehended despite the efforts made by the police, by no stretch of imagination, it can be said that the order passed by this Court has deliberately been flouted.

The law provides procedure for proceeding with the trial in case of absconder accused. The concerned court can record evidence of the witnesses in terms of Section 299 of the Cr.P.C. even in absence of an accused and when, the accused would be arrested, he will have an opportunity of cross-examining the witnesses. I am also of the view that no case for initiating of



contempt proceeding is made out.

The application, being devoid of any merit, is, hereby,
dismissed.

(Ashwani Kumar Singh, J)

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