

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.565 of 2019

Arising Out of PS. Case No.-3 Year-1999 Thana- SIMULTALLA District- Jamui

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BABLU KUMAR BARNWAL @ JITENDRA BARNWAL, aged about 39 years, Male, Son of late Ayodhya Prasad Barnwal, Resident of Village - Saheb Pokhar, P.S.- Deoghar, Dist.- Deoghar (Jharkhand).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pranav Kumar Jha, Advocate.
For the State : Mr.Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The present criminal revision application is preferred against the order dated 06.11.2006 and the order dated 23.02.2012, passed by learned Chief Judicial Magistrate, Jamui, in connection with Simultalla P.S. Case No. 03 of 1999 by which the learned Chief Judicial Magistrate, Jamui, issued process under Sections 82 and 83 of Cr. P.C. and then issued permanent warrant against the petitioner in spite of knowing the fact that summon has never been served upon the petitioner for his appearance after submission of charge sheet in connection with Simultalla P.S. Case No. 03 of 1999 for the offence under Sections 363 and 366 of the I.P.C.



The petitioner was granted bail by order dated 20.02.1999 by learned Chief Judicial Magistrate, Jamui. Thereafter, the petitioner had gone outside the State of Bihar for his livelihood. In his absence, proper *pairvi* could not be made by his *Pairvikar*. The police submitted charge sheet in the case. Thereafter, the learned court below, accepting the said charge sheet, took cognizance on 09.06.1999. Thereafter, no summon was received by the petitioner and for the said reason, the petitioner could not have the knowledge of the issuance of process issued against him by the learned court below. Learned counsel for the petitioner further submits that from perusal of the Lower Court Record it would appear that after the cognizance, no summon was issued upon the petitioner. Thereafter, the case was committed to the Court of Sessions. The warrant of arrest was issued by the learned Court of Sessions on 17.09.2005. Thereafter the learned Sessions Court issued process against the petitioner under Sections 82 and 83 of Cr. P.C. The petitioner had no knowledge regarding issuance of process against him in the present case. He was working in Delhi in a private company. Ultimately, the petitioner came to know on 02.02.2019 regarding the issuance of process against him in connection with the present case. He applied for certified



copy of the order under challenge and then preferred the present criminal revision application against the same.

After some argument, learned counsel for the petitioner seeks permission to withdraw the present criminal revision application with liberty to appear before the learned court below and to make his submission as referred above.

Permission is accorded.

Considering the submissions made on behalf of the petitioner, the present criminal revision application stands disposed of with liberty that the petitioner shall appear before the learned court below within a period of two weeks from today and to make his submissions as advanced before this Court. The learned court below shall consider the submissions made on behalf of the petitioner on its own merit without being prejudiced by this order.

Accordingly, the present criminal revision application alongwith I.A. No. 01 of 2019 stands disposed of.

(Sudhir Singh, J)

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