

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49539 of 2014**

Arising Out of Complaint Case No.-516 C Year-2006 Thana- EAST CHAMPARAN
COMPLAINT District- East Champaran

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Arvind Kumar Singh Son of Shambhu Singh R/o Village- Siswa Patna, P.S.-
Kesaria, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-03-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the 'Code') for the following relief:

*“That the present application is being preferred
for quashing of the order dated 07.01.2014, passed in Tr.
No. 4567/2014 (complaint case no. 516-C/2006) by Sri
Ashok Kumar-Iind the learned Judicial Magistrate 1st Class
East Champaran at Motihari whereby the Learned Judicial
Magistrate has declared the petitioner absconder.”*

3. Learned counsel for the petitioner submitted that
without there being any service report relating to service of
summons, bailable warrant, non bailable warrant and process



under Sections 82 and 83 of the Code, the petitioner having been declared an absconder, is totally unsustainable.

4. At this juncture, on a direct query of the Court as to when the petitioner shall appear before the Court below, when now at least, he is aware of a proceeding pending against him, learned counsel for the petitioner fairly submitted that within six weeks, he would appear before the Court below and take appropriate steps, in accordance with law, in the matter.

5. Learned A.P.P. also fairly submitted that once the petitioner is now aware of the pendency of a criminal case in the Court below, he should submit himself before the law and take steps as per the legal provisions.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that a case for interference has been made out. Once the petitioner, before this Court, himself is undertaking to appear before the Court below, the purpose of declaring him to be an absconder stands served.

7. Accordingly, the application is disposed off in the following terms:



(a) The order impugned dated 07.01.2014, by which the petitioner has been declared absconder in Complaint Case No. 516-C of 2006 (Tr. No. 4567 of 2014) stands quashed.

(b) The petitioner, as undertaken by learned counsel appearing for him, shall appear before the Court below, in accordance with law, in the said case, within two months from today and take steps, as may be available to him in law.

(c) For the next two months, no coercive steps shall be taken against the petitioner in connection with the aforesaid complaint case.

(Ahsanuddin Amanullah, J.)

P. Kumar

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