

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.424 of 2018**

Arising Out of PS. Case No.- Year-1111 Thana- District-

Shiv Shankar Prasad @ Shankar Prasad @ Shankar Chaudhary

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Baleshwar Kamat

For the Respondent/s : Mr.Sri Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

10 10-12-2019

It is submitted on behalf of counsel for the petitioner that the ex parte order has been passed by the Family Court without any valid service of notice upon him. The order has been passed in his absence without any information to him. There is specific provision under Section 127 of Cr.P.C. if any ex parte order is passed the aggrieved party can file an application for re-call of the order that ex parte order has been passed against him without any valid service of notice and on such petition being filed, the court can re-call its previous order, which was passed ex parte.

The petitioner is granted liberty to approach the Family Court, which has passed the impugned ex parte order to re-call the order of ex parte, as same was passed without any valid service of notice. If any such petition is filed on behalf of



petitioner, the court below after hearing both the parties with respect to specific finding whether the notices have been validly served upon the petitioner or not shall pass an appropriate order within three months from the date of receipt/production of a copy of the order passed by this court.

With such observation and liberty, the petition is disposed of.

**(S. Kumar, J)**

Rajiv/-

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