

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51255 of 2014

Arising Out of GRPS. Case No.-15 Year-2014 Thana- PATNA GRP CASE District- Patna

Janardan Kumar @ Janardan Kumar Mahto, Son of Pradumn Mahto, Resident of Village Tartar, P.S. Ghoswari, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi Wife of Murari Sahni, Resident of Village Barahpur, P.S. Mokama, District Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar and Mr. Birendra Kumar, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

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

ORAL ORDER

7 19-06-2019 The matter has been placed at the instance of the office as the notice issued earlier to the opposite party no. 2 has been returned with the note that she is no residing at the address given. Earlier by order dated 03.11.2017, notice was directed to be issued to the opposite party no. 2 and in the meantime, interim protection of no coercive steps be taken against him has been granted by the Court. Subsequently, the office has reported that the copies of the notices were returned unserved indicating that the opposite party no. 2 did not reside at the given address. On 23.01.2018, the Court had again issued notice to the opposite party no. 2. The same was also returned with the note that the opposite party no. 2 does not reside at the given address.



2. In view thereof, the Court by order dated 31.08.2018 had again directed for steps for fresh service of notice at the correct present address. Thereafter, again notice had gone and the report was that the opposite party no. 2 was not residing at the given address. Lastly, the Court on 08.01.2019 had directed for taking steps for fresh service of notice on opposite party no. 2 at the correct present address.

3. When notice was not validly served, the Court by order dated 28.03.2019 had again directed for fresh service of notice with correct present address. Even the said notice was not delivered with the report that the opposite party no. 2 does not reside at the given address.

4. Upon perusal of the record, the Court finds that repeatedly the petitioner has been sending notice on the same address despite the Court having directed for service of notice at the correct present address, as the consistent report was that the opposite party no. 2 was not residing at the given address. Thus, the Court finds that there has been serious and deliberate laches on the part of the petitioner, who, after obtaining an interim order on 03.11.2017 is not furnishing correct address despite repeated opportunity being given.

5. In view thereof, the Court finds that the conduct of



the petitioner does not entitle him to any relief by the Court.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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