

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.902 of 2015**

Arising Out of PS. Case No.-2241 Year-2013 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Dr. Dina Nath Poddar, Surgeon, S/o Ram Pravesh Poddar Resident of
Durgapur, Katihar, P.S Distt- Katihar

... .. Petitioner/s

Versus

1. State of Bihar
2. Smt. Nehari Khatoon Wife of Md. Allauddin, Resident of Minapur P.S.-
Balliya Bellon, Distt- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saket Tiwary, Advocate Mr. Saket Gupta, Advocate Mr. Anurag Singh, Advocate
For the State	:	Mr. S.N.Shukla, APP

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

ORAL JUDGMENT

Date : 21-06-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“This is an application for quashing the
order dated 29.08.2014 passed by Bipin Bihari Rai,
the Learned Judicial Magistrate, 1st Class, Katihar
who have taken cognizance against the petitioner
for the offence under section- 337 & 338 of the
Indian Penal Code in connection with Complaint
Case No-2241 of 2013, By which petitioner has
been summoned to face trial in the above mentioned
complaint case which is pending for disposal before*



the said Court of Judicial Magistrate, 1st Class, Katihar.”

3. At the outset, learned APP submitted that the handwritten deposition, copies of which have been brought on record has not been supplemented with the typed copy and the same not being legible, he was not in a position to assist the Court.

4. The Court finds that even in the brief of the Court though there are typed copies but at many places, many words are omitted.

5. The Court deprecates such conduct on the part of the petitioner in filing application in the Court where before the Court, some typed copies are given whereas, in the copy served upon learned APP, the typed copies are missing. The role of the learned APP is not a formality or cosmetic. He is equally required to assist the Court on behalf of the State and unless he has legible copies of the materials which have been filed, including the annexures in the application, obviously, he will not be in a position to assist the Court.

6. Having regard to the aforesaid, the Court finds that there has been serious laches on the part of the petitioner in conducting the present case.

7. As the present application is with regard to quashing of the order of cognizance, which in effect would lead to closing



of the criminal case, there cannot be a casual approach to the same and without full and proper assistance, the Court is not in a position to adjudicate the matter.

8. For reasons aforesaid, the Court is constrained to dismiss the application and accordingly the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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