

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.224 of 2018

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

Syed Mohabbat Raza son of Dr. Syad Imam Raza Abroo, Resident of Kamra
Mohalla Chandwara, P.S. Muzaffarpur, District Muzaffarpur.

... .. Petitioner

Versus

1. The State Of Bihar
2. Khushi Rizvi, D/o Shamsher Ali, Resident of Madrapali, P.S.- M.H. Nagar,
District- Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr.Smt Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 06-02-2020 By the impugned order dated 21.11.2017 the
petitioner has been deprived of his right to file a reply/show
cause in the Misc. Case No. 118 of 2014 which arises out of an
application under Section 125 Cr.P.C.

Learned counsel for the petitioner submits that the
petitioner could not appear in the said proceeding because the
notices were not duly served upon him. The case has been fixed
for ex-parte hearing and if the ex-parte order is passed it would
prejudice the petitioner without giving appropriate opportunity
of hearing. It is submitted that in order to do substantial justice,
an opportunity be granted to the petitioner to submit his show
cause and for this purpose the petitioner would be ready and
willing to pay some cost to the opposite party no. 2.

No one appears on behalf of the opposite party no. 2



to oppose this application.

Learned counsel for the petitioner submits that the opposite party no. 2 has already married to someone else and is residing with him.

Be that as it may, in the interest of justice this Court sets-aside the impugned order dated 21.11.2017 passed in Misc. Case No. 118 of 2014 subject to payment of cost of Rs. 5000/- (five thousand) to opposite party no. 2. The cost will be paid simultaneously with the filing of the show cause within a period of fifteen days from today. If the show cause is not filed within the given period, the court below shall proceed from the earlier stage, however, on filing of show cause the case shall proceed from the stage of filing of the show cause giving adequate opportunity to both the parties to contest the matter if so desire.

This application is allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

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