

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86391 of 2019

Arising Out of PS. Case No.-61 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kumar Gupta Son of Sri Babu Lal Gupta Resident of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. Bara Bazar, Kolkata, District - Kolkata, West Bengal.
 2. Harish Kumar Gupta @ Harish Son of Late Shyam Sunder Gupta Resident of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. Bara Bazar, Kolkata, District - Kolkata, West Bengal.
 3. Hanuman Prasad Kasat @ Hanuman Kasat Son of Ram Chandra Kasat Resident of 116, Mahatma Gandhi Road, P.S. Bara Bazar, District - Kolkata (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar Son of Surendra Prasad Resident of Salempur, Gola Road, Dalpatti, Barh, P.S. Barh District Patna, Partner - Proprietor M/s. M.J. Enterprises, Dal Mills, Salempur, Gola Road, Dalpatti, Barh, P.S. Barh District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-01-2020 Nobody appears on behalf of the petitioners on repeated calls.

It appears from perusal of the record that this application has been filed for quashing of the order dated 07.09.2013 passed by Sri Ram Jha, learned Judicial Magistrate, 1st Class, Barh, Patna, in Complaint Case No. 61(C) of 2013, by which, the application dated 17.07.2013 under Section 205 Cr.P.P. was dismissed.



It further appears from perusal of the record that earlier also petitioners moved for quashing of the order dated 07.09.2013 but that was dismissed for default.

The prosecution case in short is that a complaint case was lodged by the complainant against the petitioners and after enquiry, finding a prima facie case for the offences under Sections 409 and 420 of IPC, processes were issued against the petitioners.

It further appears that petitioners have not appeared on issuance of process, rather a petition has been filed under Section 205 of Cr.P.C., which has been rejected by the learned Judicial Magistrate, against which, they have earlier preferred quashing application, that was also dismissed for non-compliance.

Today also nobody appears on behalf of the petitioners to press this application.

Considering the above, as well as the fact that the petitioners have not appeared in spite of service of process and as such just delaying the trial, I find no merit in this application. As such, this application stands dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-



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