

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9696 of 2020
Arising out of
CRIMINAL REVISION No.211 of 2018

Arising Out of PS. Case No.-131 Year-2014 Thana- CHENARI District- Rohtas

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Laljee Pandey, male, aged about 61 years, S/o Late Kapildeo Pandey,
Resident of Village- Khurmabad, P.S.- Chenari, Distt- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Prasad Kahar S/o Hardeo Kahar
3. Ganesh Kahar S/o Shiv Prasad Kahar, both Resident of Village- Khurmabad,
P.S.- Chenari, Distt- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the State : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-02-2021

Heard Mr. Dhaneshwar Prasad Gupta, learned counsel
for the petitioner and Mr. Navin Kumar Pandey, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State.

2. The present application has been filed seeking recall
of order dated 13.09.2019 passed in Criminal Revision No. 211
of 2018 which was dismissed due to non-prosecution.

3. Learned counsel for the petitioner submitted that the
petitioner could not appear and when he came to Court he came
to know about the dismissal and the application has been filed.



4. From the pleadings, the Court finds that no dates have been mentioned. The matter was dismissed on 13.09.2019 whereas the application, though affidavited on 28.01.2020 was filed on 10.02.2020, that is, after almost five months for which there is no explanation at all. Moreover, it appears that Criminal Revision No. 211 of 2018 was filed for setting aside the order of the Court below by which the opposite parties no. 2 and 3 were acquitted.

5. Learned APP submitted that repeatedly there have been laches on the part of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties and discussions made hereinabove, the Court is not inclined to interfere in the matter.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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