

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19509 of 2020

Arising out of

CRIMINAL MISCELLANEOUS No.44800 of 2015

Arising Out of PS. Case No.-83 Year-2013 Thana- GHOGHARDIHA District- Madhubani

1. Rama Yadav, male, aged about 35 years, Son of Chhedi Yadav
2. Lakshman Yadav, male, aged about 35 years, Son of Chhedi Yadav
Both are resident of Village-Tengraha, P.S-Bheja, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navnit Kumar, Advocate
For the State : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Navnit Kumar, learned counsel for the petitioners and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (APP) for the State.

3. The present application has been filed seeking recall of order dated 08.03.2017 passed in Cr. Misc. No. 44800 of 2015.

4. Learned counsel for the petitioners submitted that the petitioners were not aware of the case being dismissed as they were not informed by their lawyer.

5. On a query of the Court as to why the petitioners waited for three years without even checking up from their learned lawyer with regard to the status of the case, which



shows that they were also not bothered about the case or had no desire to pursue the matter and only after much delay they have again tried to revive the case, learned counsel could not give any satisfactory explanation.

6. The Court would indicate that though learned counsel for the parties are required to keep the person who has filed the case informed, but it is equally incumbent upon the parties to keep track of the status of their litigation. There being no desire on the part of the petitioners, as is reflected in the present case to seek information about the status of their case from learned counsel is enough indication of there being laches on the part of the petitioners also, more so, as for over three years the petitioners claiming ignorance of the order is difficult to accept and if the same is correct, then also, there is laches on the part of the petitioners for not having enquired about the status of their cases for so long.

7. For reasons aforesaid, the Court does not feel persuaded to interfere in the matter. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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