

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.314 of 2019

In
Criminal Writ Jurisdiction Case No.322 of 2017

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1. Avinash Jha, son of Dhananjay Jha,
 2. Nilima Jha, wife of Dhananjay Jha,
 3. Dhananjay Jha Late Baldeo Jha,
- All are resident of 203-Veena Shree Apartment, New Puaichak, P.S.-
Shastrinagar, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar.
2. Tansushree Sandilya Jha, daughter of Mr. Amarnath Mishra, Resident of
203- Dhaneshwar Heritage, Priyadarshi Nagar, P.S.- Rupaspur, District-
Patna.

... .. Respondents/Opposite Parties

Appearance :

For the Petitioners	:	Mr. Rama Kant Sharma, Senior Advocate
		Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party no.2:		Mr. Kripa Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-07-2022

Heard Mr. Rama Kant Sharma, learned senior
counsel for the petitioners.

2. This application has been filed for restoration of
Cr.W.J.C. No.322 of 2017 to its original file which was
dismissed for want of prosecution vide order dated 16.01.2019.

3. Learned senior counsel appearing for the
petitioners submitted that on 16.01.2019 the advocate-on-record
was watching the court proceeding but somehow he got an
impression that the case is not likely to be taken up and left the



Court. Subsequently, the case was called out and for want of prosecution, the same was dismissed. He submitted that though there may be fault on the part of the learned advocate-on-record, however, the same was neither deliberate nor willful.

4. Opposing the prayer for restoration, Mr. Kripa Nand Jha, learned counsel for the opposite party no.2 submitted that Cr.W.J.C. No.322 of 2017 was filed by the petitioners for quashing of the first information report of Shastri Nagar P.S. Case No.283 of 2016 dated 20.06.2016 registered for the offence punishable under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. He contended that the police have already completed investigation in the aforesaid Shastri Nagar P.S. Case No.283 of 2016 and a report under Section 173(2) of the Code of Criminal Procedure has been submitted before the court pursuant to which cognizance of the offences has already been taken. Petitioner no.2, namely, Nilima Jha and petitioner no.3, namely, Dhananjay Jha have already filed an application under Section 482 of the Code of Criminal Procedure challenging the order taking cognizance of the offence vide Cr. Misc. No.32624 of 2018, which is pending before the Court and petitioner no.1 Avinash Jha has already challenged the cognizance order by



filing a revision application before the court of sessions.

5. Considering the fact that the investigation has been completed and pursuant to perusal of the police report submitted under Section 173(2) of the Code of Criminal Procedure, the learned Magistrate has already taken cognizance of the offences which too has been challenged by the petitioners either before this Court or before the court of sessions, I am not inclined to restore the Cr.W.J.C. No.322 of 2017 to its original file, which was filed for quashing the first information report.

6. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2022
Transmission Date	NA

