

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44778 of 2021

Arising Out of PS. Case No.-255 Year-2018 Thana- RAJIVNAGAR District- Patna

Krishna Kumar Singh, Son Of Late Rajendra Narayan Singh Resident Of
Mohalla - Keshrinagar, P.S. - Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Chaudhary Son of Late Ram Lakhan Chaudhary Mining
Inspector, Resident at bahadurpur Housing Colony, Bhootnath, Patna-26.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 28-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

When the matter was taken up on 21.07.2022, it was recorded that “the Court, initially, was not willing to grant time as, prima facie, the Court was convinced that in the nature of allegation, the application was not entertainable as there was no document on record to even remotely suggest that the sand in question was validly or legally purchased sand.

The learned counsel for the petitioner thus submitted that on account of his fault, the petition should not be dismissed as the petitioner has valid documents relating to the sand to show that the sand was not illegally mined, as such, the learned



counsel prayed for one week time to bring the said documents on record and accordingly, the case was fixed for today.

Today, when the matter is taken up, the learned counsel for the petitioner again seeks time and submits that the petitioner is in Delhi and will be coming tomorrow.

In sum and substance, the submission of the learned counsel for the petitioner is that the Court should wait for the petitioner, so that he comes from Delhi and hand over the documents to the learned counsel for the petitioner at his will and thereafter, the learned counsel will file a supplementary affidavit and then, the Court will exercise its jurisdiction.

It appears that the learned counsel is hell-bent upon forcing the Court to grant time, but the Court does not know why, when on earlier occasion itself, the Court had made it very clear that the case was not entertainable in absence of any valid documents. It absolutely defies all logic, wisdom that when this case was filed on 10.08.2021, why such an important document was not annexed with the quashing application if it was available. The learned counsel on this submits that it was his fault and for his fault the client should not suffer.

Since the Court initially had given time, but as of date also, no document has been produced, nor any supplementary



affidavit has been filed, the Court is not willing to wait for the petitioner to come from Delhi, so that he hand over the documents at his leisure and it also appears that since the document relating to sand was not filed initially when the quashing application was filed, amply demonstrates that there is no document to show that the sand was validly purchased and was not procured illegally by committing theft.

Accordingly, instant quashing application stands dismissed.

(Satyavrat Verma, J)

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