

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.873 of 2018**

Arising Out of PS. Case No.-222 Year-2008 Thana- FALKA District- Katihar

Md. Helal @ Md. Helal Ahmad S/o Md. Mumtaz Ali resident of Village -
Jharkaha, P.S. - Barari Semapur, District - Katihar.

... .. Petitioner

Versus

1. State Of Bihar
2. Md. Aftar Ali @ Afsar Ali S/o Late Mansoor Ali resident of Village - Dumar,
P.S. - Pothia, District - Katihar.

... .. opposite parties

Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 30-08-2022 Neither the petitioner nor the O.P. No. 2 or his daughter is

present.

Mr. Mukesh Kumar Jha, learned counsel for the petitioner submits that he has no instruction. Learned counsel submits that this Court had given an opportunity to the parties to appear and resolve the matter but the parties are not availing the same and save and except this, he has nothing to say.

Learned counsel for the petitioner has argued the matter.

The petitioner in this case is aggrieved by and dissatisfied with the order dated 03.07.2018 passed by learned F.T.C.-I, Katihar in S.T. No. 168 of 2010 arising out of Falka (Pothia) P.S. Case No. 222 of 2008 whereby and whereunder petition under Section 311 Cr.P.C. filed by the petitioner has been rejected.

A perusal of the order would show that the statement of



the accused has already been recorded on 03.07.2018. He has filed application for recall of the victim girl and her father saying that the matter has been compromised. It is for this reason that this Court had in order to test the genuineness of the submissions called upon the petitioner, victim girl and her father to appear in Chambers and it was done on the request of learned counsel for the petitioner.

Not only that they have not appeared, learned counsel has taken a plea that he has no instruction. This conduct of the petitioner seems to be highly condemnable. This has not only raised a grave doubt on this submission as to compromise but has also given this Court to understand that the time of the Court has been wasted.

This Court, therefore, dismisses the present application with a cost of Rs.2,000/- (Rupees two thousand). Let the cost be deposited by the petitioner within two weeks from today with the Patna High Court, Legal Aid Committee failing which the same will be realised through the process of law.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

