

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43260 of 2015**

Arising Out of PS. Case No.-972 Year-2012 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Keshav Kumar Giri Son of Late Ram Nath Giri, resident of Village- Barari
Bharti Tola, Shivana Road, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Munna Ansari Son of Farid Ansari,
3. Raushan Ansari Son of Farid Ansari, No, 2 and 3 residents of Village- Barari
Paswan Tola, P.S.- Barari, District- Katihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-03-2023 No one appears on call.

The present petition has been preferred for quashing of the order dated 29.11.2014 passed by the learned Sessions Judge, Katihar in Cr. Revision Case No. 108 of 2014 by which the learned Session Judge has been pleased to dismiss the Cr. Revision case in illegal manner confirming the order dated 16.06.2014 passed by the learned Sub-Divisional Judicial Magistrate, Katihar in Complaint Case No. 972 of 2012 (Trial No. 2693 of 2014) arising out of protest petition filed in Barari P.S. Case No. 21 of 2012 by which the learned Court below dismissed the complaint petition.

This Court has gone through the order of the learned



Sessions Judge in Cr. Revision No. 108 of 2014 in which the learned Session Judge has recorded the following observation:

“On consideration of submissions and impugned order what I find is this that the learned Counsel for the revisionist has filed photocopy of notice issued by C.O. Barari and order and other document and also photocopy of prescription but what I find is this that the case was posted for S.A. of the revisionist/complainant by order dated 24.04.12 and thereafter the case was transferred and on 07.05.2012 S.A. was recorded of the complainant/revisionist and posted for recording statement of the witnesses and this order was made on 07.06.2012 and case was adjourned after one date to another and time petition was filed on behalf of the complainant/revisionist but no witness could be produced till 16.06.2014 when impugned order was passed and sometimes petition for time was filed on this plea that revisionist/complainant is not well and sometime due to some unavoidable reason and sometime missed the vehicle. The learned counsel for the revisionist taken plea before this Court that revisionist was under treatment but time petition was filed on behalf of the revisionist, does not support this stand, as sometime missed the vehicle, sometime unavoidable reason, so for long time I find that revisionist/complainant did not take interest in it though this Court will not take consideration of



pendency of Suit Title No. 408 of 2012 and also proceeding under Section 107 Cr.P.C. but the learned Court below had no option left except to dismiss and wherein I find no illegality, impropriety in the entire facts and circumstances. Therefore, the impugned order does not warrant interference by this Court.”

In view of the clear stand of the learned Session Judge, another view is not required.

However, it seems that no one has appeared on behalf of the petitioner, the petition stands dismissed for want of non-prosecution with liberty to raise all the points before the Trial Court at an appropriate stage.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

