

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.183 of 2017

Arising Out of PS. Case No.-120 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Raj Kumar Gupta son of Sri Babu Lal Gupta.
 2. Harish Kumar Gupta, son of Late Shyam Sunder Gupta. Both resident of 54/4 Om Bhawan, Strand Road, Posta Bazar, P.S. Bara Bazar, Kolkata, District Kolkata, West Bengal.
 3. Deepak Singh, son of Sri Narendra Bahadur Singh Resident of 13 Q, Anik Road, Ulta Danga, P.S. Ulta Danga, Kolkata 67 West Bengal
 4. Anil Kumar Khandelwal @ Anil Babu @ Anil Khandelwal, son of Late Hari Prasad Khandelwal, Resident of 9/2, D/1, Gourapara Sarkar Lane, P.S. Ulta Danga, District Kolkata West Bengal.
 5. Vinod Kumar Poddar @ Sri Vinod Kumar son of Sri Kedar Mal Poddar, Resident of P 200 Jagannath Ghat, Cross Road, P.S. Bara Bazar, Kolkata, District Kolkata, West Bengal.
 6. Binu Lal Kariwal, son of Late Mul Ram Kariwal, Resident of 208, Ravindra Sarani, P.S. Bara Bazar, District Kolkata.
 7. Hanuman Prasad Kasat, son of Ram Chandra Kasat, Resident of 116, Mahatma Gandhi Road, P.S. Bara Bazar, District Kolkata West Bengal.
 8. Rajesh Jaiswal @ Rajesh Kumar Sah, son of Sri Panna Lal Sah, Resident of 13, Gaura Para, Sarkar Lane, P.S Ulta Danga, District Kolkata West Bengal.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Surendra Prasad, son of Late Ramchandra Sah, Resident of Salempur, Gola Road, Dalpatti, Barh, P.S. Barh, District Patna, Partner- Proprietor M/s. M.J. Enterprises, Dal Mills, Salempur, Gola Road, Dalpatti, Barh, P.S. Barh, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mrs. Archana Sinha Mr. Alok Kumar Shahi
For the Respondent/s	:	Mr.Smt. Indu Bala Pandey Mr. Surendra Prasad(in person)

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

17 25-08-2023

Heard the learned counsel for the petitioners as well
as opposite party no.2, who appeared in person.



2. By the impugned order dated 28.11.2013, the learned trial court has rejected the petition filed by the petitioners under Section 205 of the CrPC, mentioning that the petitioners are appearing in the case at Barh, Patna.

3. The learned counsel for the petitioners has submitted that the petitioners are the residents of Kolkata and they will face hardship, if they are directed to appear in court personally. She has submitted further that that a number of cases are pending between both the parties and it is not possible for the petitioners to personally appear in all the cases. She has also submitted that the petitioners shall be physically present as and when their attendance is required by the learned trial court.

4. On the other hand, the opposite party no.2, appearing in person, has submitted that the petition of the petitioners under Section 205 of the CrPC should not be allowed, because the petitioners are harassing him as on the date of occurrence they had come to his *Dal Mill* and pressurized him to withdraw the case earlier lodged by the complainant.

5. It appears that a number of cases are pending between the parties. The petitioners are the residents of Kolkata and they shall be put at hardship if their petition under Section 205 of the CrPC is not allowed. As such, the impugned order



dated 28.11.2013, passed by the Judicial Magistrate, 1st Class,
Barh in Complaint Case No. 120 (C) of 2013 is set aside.

6. Consequently, the present application is allowed
with a direction that the petitioners shall appear before the court
below as and when their presence is required.

(Nawneet Kumar Pandey, J)

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