

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.627 of 2022

Arising Out of PS. Case No.-627 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

-
-
1. Om Prakash Sharma Son Of Late Chandrika Prasad Singh, Permanent Resident Of Village- Chintamanichak, P.S.- Mokama, District- Patna
 2. Chandra Prakash Raghav @ Raghav Kumar Son Of Gopesh Kumar, Permanent Resident Of Village- Chintamanichak, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Son Of Late Darogi Saw, R/O Sahbegpur, Ward No.-22, P.O.- Chintamanichak, P.S.- Mokama, District- Patna (complainant)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Upadhyaya, Advocate
For the Respondent/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 27-03-2023

Learned counsel for the petitioner submits that petitioner no.1 is no more and as such the present criminal revision is become infructuous for the petitioner no.1.

Office is directed to do the needful and delete the name of petitioner no.1 from the record.

Counsel for the petitioner submits that he has filed a petition for extension of period limitation in this case on the ground mentioned in his petition under Section 5 of Limitation Act which is I.A. No. 01 of 2022.

Limitation if any in filing the criminal revision is hereby

condoned.

In this matter notice was earlier issued and validly served upon opposite party.

Heard learned counsel for the petitioner and learned counsel for the State.

The present criminal revision application has been filed against the order dated 27.05.2022 passed in Complaint Case No. 627(C) of 2021 by which the application under Section 205 of Cr.P.C. to exempt the petitioner from the personal appearance in the court below has been rejected.

Counsel for the petitioner submits that petitioner was a student of engineering at the time of filing complaint case and was reading at BIT Mesra, Patna. Counsel further submits that from the content of the complaint petition in which he is accused no.3, there is no specific allegation against him. Counsel further submits that due to family dispute a title suit is pending. Counsel further submits that son of late petitioner No.1 and father of present petitioner had filed Title Suit No. 173 of 2021 against one Chinta Devi W/o Anil Prasad @ Anil Prasad Gupta and others, which is pending before Sub-Judge-Ist, Barh, Patna. In retaliation the said Anil Kumar husband of defendant of the said title suit has filed the present complaint case in which

cognizance has been taken under Sections 323, 448, 504 and 506/34 of the Indian Penal Code. Counsel further submits that the petitioner is in no way related to the business of his father and brother. He has due respect for law. Counsel further submits that after passing the BIT Mesra, petitioner is doing his internship/training at Delhi and it is very difficult for him to appear on each and every date in the court. Counsel further submits that other persons who are residing locally have already been granted bail and securing their appearance before the court.

Counsel for the State submits that petitioner may be directed to appear whenever the court requires.

Under the facts and circumstances mentioned above, it transpires to this Court that appearing day to day for the present petitioner is difficult as he is doing his work/training at New Delhi which is far from the court.

In this view of the matter, order dated 27.05.2022 passed in Complaint Case No. 627(C) of 2021 by J.M.Ist Class, Barh, Patna is hereby set aside and the exemption petition under Section 205 of Cr.P.C. is hereby allowed with undertaking that whenever physical presence of the petitioner shall be required before the court, he shall appear before the court without any delay and if he shall not appear upon fixing of the date by the

court on two consecutive dates, his exemption order under Section 205 of Cr.P.C. shall not be in force.

With this observation, the present Criminal Revision Application stands disposed off.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	