

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49512 of 2014

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Mahesh Sharma son of late Dhrkhela Rai resident of village Khabra, Police Station Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheoji Rai son of late Tripti Rai
3. Shankar Rai son of late Tripti Rai
4. Bali Ram Rai alias Sonu Kumar son of Shambhu Rai
5. Sonu Kumar son of late Shambhu Rai
6. Bhairaw Rai son of late Dhurkheli Rai
7. Vinod Kumar son of late Dhurkheli Rai
8. Suresh Rai son of late Briksh Rai
9. Dinesh Rai son of late Briksh Rai
10. Mukesh Sharma son of late Briksh Rai
11. Rabindra Rai son of late Briksh Rai
12. Jitendra Rai son of late Raghunath Rai
13. Satyendra Rai son of late Raghunath Rai All residents of village Khabra, Police Station - Sadar, District Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyam Sunder Pandey, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 13-02-2023 Heard the parties.

This application has been filed challenging the correctness and validity of the judicial order dated 02.07.2014 passed by the learned S.D.O. East Muzaffarpur, in Case No. (M) 654 of 2014 under section 188 of the Indian Penal Code.

On 16.10.2017, a coordinate bench of this Court



issued notice upon opposite party nos. 2 to 13, the opposite party no.1 being the State of Bihar for which requisites etc. were to be filed within one week after 'Deepawali' and peremptory order was also there.

However, the same being not filed up to 16.11.2017, the petition stood dismissed against opposite party nos. 2 to 13.

On 21.3.2018, the learned counsel for the petitioner submitted that he will be filing restoration petition.

On 4.7.2019, another coordinate bench took note of the fact that despite the order dated 21.3.2018, as no restoration petition was filed how the matter was sent to the Court and accordingly the explanation was called for from the office.

On 8.9.2022 another coordinate bench took note of this fact which read as follows:

"This case is already dismissed for default, as against opposite party nos. 2 to 13, due to non-compliance of peremptory order dated 16.10.2017 and till date, neither any restoration petition has been filed on behalf of the petitioner nor anybody is present today on behalf of the petitioner.

List this case on 15.09.2022".

Having gone through the entire facts now the time has



come to put the matter at rest as the petition stands dismissed against opposite party nos. 2 to 13 for non-compliance of the order dated 16.10.2017 for which no restoration petition was filed.

Thus when the soul has left the body, no point carrying the body.

The petition stands dismissed.

(Rajiv Roy, J)

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