

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77813 of 2023

In
CRIMINAL MISCELLANEOUS No.56931 of 2015

Arising Out of PS. Case No.-3273 Year-2014 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Sanjay Kumar Jaiswal S/O Late Mathura Prasad Jaiswal R/O Mohalla- Rai Jai
Krishna Road, Gurhatta, Patna City-800008, Ps. Khaajekalan, Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kumar Sinha S/O Om Prakash Sinha Mohalla- Nandgola, Ps.
Malsalami, Dist. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2023 1. Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The learned counsel for the petitioner submits that the
present quashing application has been filed seeking restoration of Cr.
Misc. No. 56931/2015, which stood dismissed for default by an order
dated 31.08.2023 as none had appeared on behalf of the petitioner.
The learned counsel next submits that the quashing application was
filed seeking quashing of the order dated 22.08.2015 passed by Sri
Umesh Prasad, learned J.M. 1st Class, Vaishali at Hajipur, whereby
cognizance of offences under sections 323, 379, 504, 506 and 34 of
the Indian Penal Code was taken in connection with Complaint Case
No.3273/2014.



3. On query of the court with regard to the stage of case, the learned counsel for the petitioner submits that he does not have any instruction on the issue as to whether the stage of the case from the stage of cognizance has changed or not.

4. The learned A.P.P. opposes the restoration application and submits that the order impugned in the quashing application is dated 22.08.2015, thereafter the case was taken up on 31.08.2023, when none had appeared on behalf of the petitioner, which led to dismissal of the quashing application for non-prosecution. Thereafter the present restoration application has been filed but still the learned Advocate appearing on behalf of the petitioner is not in a position to inform the court with regard to the stage of the case. It is thus submitted that since the order of cognizance is dated 22.08.2015, thereafter much water has flown, as such the restoration application be not entertained.

5. Considering the submission made by the learned APP, the Court is not inclined to entertain the restoration application.

6. Accordingly, the present restoration application is dismissed.

(Satyavrat Verma, J)

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