

Bal Krishna Das, and ors. Vs. State of Bihar, and anr.

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Court : Patna

Decided On : Oct-01-2010

Judge : Rakesh Kumar, J.

Acts : Indian Penal Code (IPC) - Sections 323, 376, 511, 34

Appeal No. : CRIMINAL MISCELLANEOUS No.23200 OF 2002

Appellant : Bal Krishna Das, and ors.

Respondent : State of Bihar, and anr.

Judgement :

1. On call, none appeared on behalf of the petitioners either to press this petition or to make a prayer for adjournment.
2. On perusal of the order sheet, it appears that on 27.8.2010 also, none had appeared on behalf of the petitioners on call of the case. The case was adjourned for the day with an indication that no further adjournment shall be granted. While adjourning, it was noticed that in this case, interim order was continuing since 17.5.2004. On 31.8.2010, the case was adjourned for four weeks on the prayer of petitioners for filing supplementary affidavit. The record shows that no supplementary affidavit has been filed by the petitioners nor any one has appeared today on behalf of the petitioners. It is a case for offences under Sections 323, 376/511 and 34 of the Indian Penal Code.

3. I have perused the impugned order of cognizance dated 11.6.2002 as well as material available on record. I do not find any defect in the order of cognizance nor I find any material for exercising inherent jurisdiction in favour of the petitioners, which is to be exercised in exceptional cases.

4. Accordingly, the petition stands rejected.

5. In view of rejection of this petition, interim order of stay dated 17.5.2004 stands automatically vacated.

6. Let a copy of this order be sent to the court below forthwith.

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