

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.940 of 2014

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Mantu Lal, S/o Sanjay Lal, R/o Buxar Road Kochas, P.S. - Kochas, Distt. -
Rohtas. Petitioner

Versus

1. The State of Bihar through Home Secretary, Old Secretariat, Government of Bihar, Patna
2. The Home Secretary, Old Secretariat, Govt. of Bihar, Patna.
3. The Director General of Police, Old Secretariat, Govt. of Bihar, Patna.
4. The Additional Director General of Police, Old Secretariat, Govt. of Bihar, Patna.
5. The Deputy Inspector General of Police, Shahabad Range, Dehri on Sone, Rohtas.
6. The Superintendent of Police, Sasaram Dist.- Rohtas.
7. The Deputy Superintendent of Police, Sasaram Dist. - Sasaram
8. Md. Irshad, Investigating Officer-cum-Officer In charge, Kochas Police Station, Distt. - Rohtas.
9. Anshu Kumari, D/o - Sunil Lal, W/o - Mantu Lal R/o - Buxar Road, Kochas, P.S. - Kochas, Distt. - Rohtas.
10. Sunil Lal, S/o - Chote Lal, R/o - Mohalla - Tari, P.S. - Ara Town, Distt. - Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Respondent/s : Mr. J.P. Kishore, AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 30-03-2015

At the stage of argument, learned counsel for the petitioner has moulded his relief sought for in the application. He has submitted that during course of investigation, no material

has transpired on the basis of which the police could have submitted supplementary charge sheet under Section 304-B of the Indian Penal Code. He seeks that the petitioner be discharged of the aforesaid offence under Section 304-B of the Indian Penal Code.

In my view, even if the contention of the petitioner is believed to be true that there is no material to connect the petitioner with an offence punishable under Section 304-B of the Indian Penal Code, the remedy would lie before the trial Court and not before this Court as an application under Section 227 of the Code of Criminal Procedure seeking discharge in a sessions triable matter can only be made before the sessions Court to which the matter is committed by the Magistrate concerned.

At this stage, learned counsel for the petitioner seeks leave to withdraw this application in order file an appropriate application under Section 227 of the Code of Criminal Procedure before the appropriate Court.

Leave is granted.

The application is disposed of as withdrawn.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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