

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.679 of 2015

Arising Out of PS.Case No. -69 Year- 2012 Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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1. Brij Nandan Ram aged about 80 years, son of Late Bhukhan Ram resident of
village + P.O. Sadisopur, P.S. Bihta, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawabzada Syed Md. Babar Hayat Quadri, Advocate

For the Respondent/s : Mr. Ram Naresh Roy, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 29-10-2015

The Petitioner seeks revision of the order dated 28.5.2015, by which the A.D.J. Vth, Motihari in connection with Criminal Appeal No.69 of 2012 has refused to hear the Appeal and remanded the case i.e. Trial No.48 of 2012 (G.R. case No.246 of 1996) to the court of Sri Aditya Suman, Judicial Magistrate, 1st class, East Champaran at Motihari for re-trial, since the judgment was not signed by the Presiding Officer.

I find that the judgment of conviction was passed way back on 18.5.2012, after which the appeal was preferred which was admitted and it is only at the stage of hearing three years later that such an order was passed.

In my opinion, a retrial would be against the interest of

justice and therefore the order dated 28.5.2015 passed by the A.D.J. Vth, Motihari in connection with Criminal Appeal No.69 of 2012 is modified to the extent that the file be transmitted to the concerned Presiding Officer at the present place of posting for his signature on the same. This exercise should be completed within two months from the date of receipt of this order. The file shall thereafter be returned to the Appellate Court which shall pass orders on the same expeditiously.

Application stands disposed of with the aforesaid observations.

(Anjana Prakash, J)

Narendra/-

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