

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11028 of 2013

Arising Out of PS.Case No. -259 Year- 2008 Thana -FATUHA District- -

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1. Sree Singh son of Late Khublal Mahto, resident of Machhariyawan, P.S.-
Fatuha, Distt.- Patna

2. Kamal Kant Kumar son of Sri Uma Shankar Prasad,

3. Archana Sinha wife of Sri Kamal Kant Kumar

Bosth are resident of village- Barbhigha, P.O. and P.S.- Karaj
Parsuray, District- Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushant Kumar Datta, Advocate

: Mr. Manish Kumar, Advocate

For the Opposite Party/s : Dr. Mayanand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 28-04-2015 This application under section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 1.4.2009 passed in Fatuha P.S. Case No.259 of 2008 by learned Judicial Magistrate, 1st Class, Patna whereby charges have been framed against the petitioners for having committed offences punishable under various sections of the Indian Penal Code.

The first information report was registered in the case on 21.9.2008. On conclusion of investigation, the police submitted charge-sheet on 30th October, 2008. The learned Magistrate took cognizance of the offence vide order dated 6.11.2008 and charges were framed on 1.4.2009. The petitioners did not prefer any

application for discharge before the Magistrate concerned.

The impugned order dated 1.4.2009 has been challenged before this Court under section 482 of the Code by filing an application on 7th March, 2013. When the matter was taken up on 1st April, 2014 no counsel appeared to press the application and, accordingly, the application was dismissed for want of prosecution. Subsequently, it was restored on 18th March, 2015. In sum of substance, challenge to the order dated 1.4.2009 has not been made before this Court for almost six years. As noted above, the petitioners has not even availed of the statutory remedy provided under section 239 of the Code.

In that view of the matter, I am not inclined to entertain this application under section 482 of the Code. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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