

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10958 of 2013

Arising out of P.S.Case No. - 182 Year - 2011 Thana - PIPRAKOTHI District-

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1. Jaggu Prasad, S/O Sitaram Prasad, Resident of Village - Dhekaha Bala Tola, P.S. - Pipra Kothi, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr. Kanhaiya Kishor (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 25-06-2015

Heard.

This is a petition for quashing the order dated 07.02.2013 passed in Sessions Trial No. 671 of 2012 by the learned 4th Additional Sessions Judge, East Champaran by which the learned Court below dismissed the petition dated 13.12.2012 filed under Section 228 of the Cr.P.C.

The grievance of the petitioner is that no case under Section 308 of the Indian Penal Code is made out rather Sections 427 and 447 of the Indian Penal Code are made out. The petition under Section 228 of the Cr.P.C. is only to lessen the offence so that to be tried by the Magistrate and not by the Sessions Judge.

The learned counsel for the opposite parties, however, contended that the charge has already been framed and two witnesses have already been examined.

Hence, having regard to the aforesaid fact no purpose will be served by trying the case by the Magistrate. However, the charge can be framed on strong suspicion but the conviction cannot be recorded even on strong suspicion and hence, the trial Court is directed to consider the same principle at the fag end of trial.

With the observation aforesaid, the petition is disposed of directing the trial Court to dispose of the case as early as possible.

(Gopal Prasad, J.)

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