

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27457 of 2012

Arising Out of Kadam Kuan PS.Case No. -746 Year- 2003 District- PATNA

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Pramod Kumar Sharma, S/O Late Khushal Chandra. Resident Of A 26, Sector 49,
P.O. & P.S.- Gautam Buddha Nagar, Noida (U.P.)

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Adv.
Mr. Satyabir Bharti, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

A supplementary affidavit has been filed stating therein
that the stage of the case has not changed as yet.

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of non
discharge dated 20.6.2012 passed by the Additional Sessions Judge,
IX, Patna, in Sessions Trial No. 805 of 2011 arising out of Kadam
Kuan P.S. Case No.746 of 2003.

The submission of the Petitioner is that on 2.11.2003 the
wife of the deceased instituted a First Information Report of her
husband having been shot dead by some unknown persons while some
talks of lands dealings were going on between them. Four years later,
the Informant stated that the Petitioner used to advise the deceased not



to take unnecessary enmity with some persons who were prominent persons in the vicinity. Still five months later, it was alleged by the Informant that the Petitioner as the Manger of a beer factory had threatened the deceased into transacting for some piece of land for its expansion. It was under such circumstances, the charge sheet was submitted against the Petitioners on the basis of motive.

The counsel for the Informant points out that even in Paragraph-8 i.e. further statement there is mention that there some kind of dispute had arisen between the incumbents of the factory and the deceased. Evidently, in such circumstances, it appears that suspicion had been cast against the Petitioner who was the Manager of the factory at the initial stage itself.

Having considered the facts and circumstances of the case reproduced above and not intending to elaborate any further since it may prejudice the case of the Parties, I would be inclined to hold that there is no merit in the application, and hence, the same is rejected.

The Trial Court is directed to conclude the trial expeditiously without granting unnecessary adjournment to any Party for which reason, he is directed to send a list of the witnesses **fixing specific dates** for production of the witnesses along with a copy of this order in connection with Kadam Kuan P.S. Case No. 746 of 2003,

to the Superintendent of Police, Patna, and the Superintendent of Police, Patna, is directed to ensure production of the witnesses on the date so fixed by the Trial Court so that there is no further delay in trial.

(Anjana Prakash, J)

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