

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43309 of 2012

Arising out of Complaint.Case No.-C624 Year- 2005 District- BHAGALPUR

Syed Md. Jamil, Son of Late Syed Shah Md. Badru @ Khalil, Resident of Mohalla
United New Colony Urdu Bazar Lane, P.S. Tatarpur, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Md. Mahmood Alam, Son of Late Md. Latafat Hussain.
3. Begum wife of Md. Mahmood Alam.
4. Hemrin, Son of Md. Mahmood Alam.
5. Nisil, Son of Md. Mahmood Alam.
6. Md. Imran, Son of Late Md. Waziuddin.
All resident of Mohalla Idgah Barahpura, P.S. Ashok Chak, District Bhagalpur.
7. Md. Muzaffar, Son of Md. Abbas.
Resident of Mohalla Ramsar, P.S. Tatarpur, District Bhagalpur.
8. Md. Rasid alias Sutiya, Son of Late Md. Haroon.
9. Md. Abbas, Son of Late Md. Ayub.
Both residents of Mohalla Ramsar, P.S. Tatarpur, District Bhagalpur.
10. Md. Ahmad Hussain.
11. Md. Hussain.
12. Md. Meraj Hussain.
13. Md. Barkat Hussain.
All sons of Minnat Hussain.
All resident of village Bhikanpur Abdul Mujib Lane near Harizan School, P.S.
Ishakchak, District Bhagalpur.

.... Opposite Parties

Appearance :

For the Petitioner : Shri Abdul Mannan Khan, Advocate
For the State : Shri Pranav Kumar, APP

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA

ORAL JUDGMENT

Date: 16-04-2015

Heard Shri Abdul Mannan Khan, the learned
counsel appearing on behalf of the petitioner.

2. Order dated 31.08.2012 is sought to be quashed.

By that order Shri V.N. Prasad, Judicial Magistrate, Bhagalpur has
refused to act under Section 311 of the Code of Criminal
Procedure to take evidence of a few witnesses of the complainant.

3. This Court finds that the order was passed as pointed out above on 31.08.2012, i.e., some 2½ years ago and presumably the trial, without there being any stay order from this Court, ought to have been completed and the first part of the section being discretionary, there may be little scope for interference by this Court.

4. The petition is dismissed.

(Dharnidhar Jha, J.)

Sanjay/N.A.F.R.

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