

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46300 of 2012

Arising Out of PS.Case No. -4 Year- 2005 Thana -null District- BUXAR

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Satya Narayan Dubey son of Late Harkhu Dubey, resident of village - Khandra
Pandeypur, P.S. Simri, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Madan Prasad son of not known, Officer-in-Charge, Simri P.S., District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate

For the Opposite Party/s : Ms. Ansuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-04-2015

Heard learned counsel for the petitioner and learned counsel
for the State.

2. This application under section 482 of the Code of Criminal Procedure (hereinafter referred to as “the Code”) has been filed for quashing the order dated 19.4.2012 passed by the learned Additional District and Sessions Judge, Buxar in Cr. Revision No.18 of 2012 whereby the revision application filed against the order dated 24.10.2011 passed by the learned Judicial Magistrate, 1st Class, Buxar whereby the learned Magistrate has framed charges under sections 174, 188 of the Indian Penal Code, 25(1-B)(a) and 35 of the Arms Act against the petitioner, has been dismissed.

3. The petitioner has been made accused in a case instituted



on 18.1.2005 under sections 174 and 188 of the Indian Penal Code as well as sections 25(1-B)(a) and 35 of the Arms Act. The police investigated the case and after conclusion of investigation charge-sheet was submitted in 2008. Prior to the submission of the charge-sheet, the petitioner was on bail. After submission of the police report the learned Magistrate took cognizance of the offence on 20th May, 2008 and issued summons against the petitioner for his appearance. The petitioner appeared before the court after lapse of over three years on 19th July, 2011. On his appearance, the learned Magistrate granted him bail with a direction to remain physically present till the framing of charge but on the very next date he violated the order and consequently, his bail bond was cancelled on 14th September, 2011. Thereafter, on 24th October, 2011 when he appeared before the court, he was taken into custody. The police papers were served upon him in terms of section 207 of the Code and charges were framed. The petitioner challenged the aforesaid order dated 24.10.2011 before the learned District and Sessions Judge, Buxar in Cr. Revision No.18 of 2012. After hearing the parties, vide order dated 19th April, 2012 the learned Sessions Judge, Buxar dismissed the revision application. The said order dated 19th April, 2012 is under challenge before this Court.

4. Apparently, charges were framed in this case on 24.10.2011. There is no order of stay operating against that order. By

now, more than three years and four months have elapsed since the date of framing of charge. At this stage, it would not be proper for this Court to interfere with the order of framing charges. Moreover, the application is in the form of second revision which is barred under section 397(3) of the Code.

5. In view of the above, I am not inclined to entertain this application at this belated stage. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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