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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2171 of 2013

Arising Out of PS.Case No. -46 Year- 2003 Thana -COMPLAINT CASE District- LAKHISARAI

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Satya Narayan Das S/O Late Ragho Das Resident Of Village- Sondhi, P.S- Ramgarh Chowk, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Krishnandan Das, sonof late Karu Das, resident of village-Sondhi, P.S.- Lakhisarai, District-Lakhisarai.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ambika Bhagat, Advocate
For the Opposite Party No. 1 : Mr. Ajay Kumar No. I (App)
For the Opposite Party No. 2 : Mr. Ashok Kumar Dubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

12 14-05-2015 This application has been filed for quashing the order dated 4.11.2011 passed by the learned Additional Sessions Judge, Lakhisarai, in Complaint Case no. 46C/2003 by which the Complaint Case no. 46C/2003 has been sent to the court of learned Chief Judicial Magistrate, Lakhisarai, for trial and disposal on the ground that the case has not been committed to the court of sessions and the provision under Section 208 of the Code of Criminal Procedure has not been complied with.

Heard learned counsel for the parties.

It appears that petitioner had filed Cr. Misc. no. 18073 of 2003 for Complaint Case no. 46C/2003 and Complaint Case no. 53C/2003 should have been heard together as they were case and counter case between both the parties. Since both the complaint cases were not entertained by the same court, petitioner filed Cr. Misc. no. 8461 of 2010 for modification of the order dated

19.7.2004 which was disposed of on the ground that the trial has commenced, witnesses have already been examined and the case was fixed for argument. He has further submitted that the Complaint Case no. 53C/2003 has been tried as Sessions Trial no. 190 of 2006 by learned Additional Sessions Judge in which the judgment had already been passed convicting the petitioner and the co-accused Bhagwan Das.

Considering the facts and circumstances, I do not find any ground to interfere with the impugned order. This petition is accordingly dismissed.

(Amaresh Kumar Lal, J)

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