

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.600 of 2013

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The State of Bihar

.... Petitioner/s

Versus

Narsingh Gond

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

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14-01-2015

Heard both sides.

The State has filed the application questioning the legality of the order dated 21.11.2012 passed by the 1st Addl. Sessions Judge, Gopalganj in S.T. No.290 of 2012 whereby the application filed by the opposite party for discharge was considered and allowed.

Indisputably, the informant of the case had earlier approached this Court challenging the correctness of the aforesaid order passed by the trial court in Cr. Misc. No. 2592 of 2013. By order dated 21.03.2013 the said application was considered and rejected observing as under:-

“This Court, in the circumstances, does not feel inclined to interfere with the order dated 21.11.2012 passed by the learned trial judge and impugned in the case. However, this Court hastens to add that the informant shall have liberty to approach the court invoking the provision contained in section 319 of the Code. In the event of filing such an application, the learned trial court shall obviously consider and pass appropriate order in accordance with law unprejudiced by the order dated 21.11.2012.”

Considering the observation made therein as also the fact that similar application filed on behalf of the informant of the present case has been rejected by this Court which has attained finality as none of the parties has taken a stand that against the order dated 21.03.2013 any special leave petition was preferred. The application is bound to meet the same fate as that of Cr. Misc. No. 2592 of 2013.

The application is dismissed.

(Kishore Kumar Mandal, J)

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