

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.805 of 2014

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Barfi Devi, w/o Late Dineshwar Yadav, resident of Village Soima, P.S.
Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Law Department, the
Govt . of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh

For the Respondent/s : Mr. Arbind Kumar No. II, S.C-17

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 07-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present petition has been filed for a direction
to conclude Sessions Trial No. 116 of 2006 arising out of Barh
P.S. Case No. 203 of 2001 instituted for the offences under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act which has been pending for arguments after closing of
evidences since 01.09.2009 before the learned trial Court of
A.D.J.-III, Barh, Patna.

3. It is submitted that despite evidences of both the
sides having been closed and the matter was posted for arguments
as far back as on 01.09.2009, the matter has not proceeded for
over five years. Learned counsel for the petitioner relies on the
decision of this Court reported in 2012 (2) PLJR 848 (The State of

Bihar v. Girija Singh & Ors).

4. Learned counsel for the State is present and has been heard.

5. I have perused the report of A.D.J.III, Barh, Patna dated 20.03.2015 who discloses that out of two accused persons, one of them remained absent from the record and the matter would be disposed on the appearance of the accused.

6. This Court is of the view that once the evidences have been closed and the accused are represented, even if the accused are not physically present in Court, that would not be an impediment in proceeding with the arguments and delivering final judgment by the Court.

7. In the above circumstances, the learned trial Court is directed to proceed with hearing the arguments of the parties and pass final judgment in accordance with law expeditiously and in any event within a period of six weeks from the date of receipt and/or production of a copy of this order.

8. The writ petition stands disposed.

(Vikash Jain, J)

Md. Ibrarul/-

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