

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17681 of 2015

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Md. Javed Hussain, son of Md. Akhtar Hussain, resident of village
Maheshpur Miya Toli, P.S. Piri Bazar, District Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
 2. Bibi Arju Khatun, W/o Md. Javed Hussain, resident of village
Maheshpur, P.S. Piri Bazar, District Lakhisarai, at present Mohalla
Murgiyachak, P.S. Kotwali, District Munger Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. A.L.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

4 18-08-2015

Heard learned counsel for the parties.

While this application was filed actually for modification of the order dated 28.7.2011 passed by this Court in Cr.Misc.No. 19978/2011 but Mr. Sanjeev Ranjan, learned counsel appearing on behalf of the petitioner, submits that the petitioner is no longer interested in any modification of the order because at one point of time during the pendency of this application end of the trial of the petitioner was well in sight. In fact he submits that the order of this Court dated 28.7.2011 directing the petitioner to remain present on each and every day of the trial has been rather prolonged for a very long spell of time on account of the court below not rendering its judgment. In this regard he has referred to the recent order of the court below dated 13.7.2015, 21.7.2015 24.7.2015 and 27.7.2015 in Trial No. 958/2009 allegedly the same showing to be pending before Smt. Maushmi Singh, Sub-

divisional Judicial Magistrate, Munger and that the court below after reserving the judgment did not deliver the judgment and the matter has been now once again fixed for hearing.

Mr. Sanjeev Ranjan, however, agrees that the said Judicial Officer has been transferred which itself required rehearing of the case and therefore, while this Court in absence of O.P.No.2 will not like to make any further observation with regard to pendency of the trial but then keeping in view that the trial has remained pending for a period of six years and the issue is only with regard to offence under section 498A of the Indian Penal Code, it would auger well in the ends of justice to dispose of the trial itself at an early date. Thus, when the transferee court has fixed the matter for rehearing, it is expected that the judgment will be delivered soonafter the argument is completed by both the sides.

The court below having delivered the judgment in the earliest possible period of time, however, shall submit a report to this Court.

With the aforementioned observation and direction, this application is disposed of.

surendra/-

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(Mihir Kumar Jha, J)