

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38785 of 2012

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1. Md. Haroon Ansari S/O Late Md. Rahman Ansari Resident Of Village Madhpur, P.S. Sakatpur, District Darbhanga.
2. Md. Khurshid S/O Late Md. Rahman Ansari Resident Of Village Madhpur, P.S. Sakatpur, District Darbhanga.

.... Petitioner/s

Versus

1. State Of Bihar.
2. Md. Zakir Hussain S/O Hazi Md. Hanif R/O Village Ujan, P.S. Sakatpur, District Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Opposite Party/s : Mr. A.A.Khan (App)
For Opposite Party No. 2 :- Mr. Kumar Kaushik

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 13-04-2015 Heard learned counsel for the petitioner and learned counsel for the State as also learned counsel for Opposite Party No. 2.

In the instant application filed under section 482 of the Code of Criminal Procedure, 1973 (here-in-after referred to as the Code) the petitioners seek quashing of the order dated 14.08.2012 passed in Sakatpur P.S. Case No. 80 of 2006, G.R. No. 1910 of 2006 by the learned Judicial Magistrate, 1st Class, Darbhanga whereby and where under the application of the petitioner filed under section 239 of the Code for discharge has been rejected and the case has been fixed for framing of charge.

In course of argument, it has been conceded that by now charges have already been framed and one of the prosecution witnesses has already been examined in course of trial.

It is well settled that once charges are framed, the case has either to end into conviction or in acquittal. At this belated stage the Court would not go into the legality of the order by which the application of the petitioner filed under section 239 of the Code has been rejected.

In that view of the matter, this application is disposed of. In view of pendency of the case since 2006, I direct the court below to expedite the trial and conclude the same as early as possible preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Ashwani Kumar Singh, J)

Amin/-

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