

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47499 of 2012

Arising Out of PS.Case No. -null Year- null Thana -null District- -

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Pintu Kumar, Son of Sri Vijay Chaudhary, Resident of Village- Nawratanpur, P.O.
+ P.S.- Khagaul, District- Patna Petitioner

Versus

1. The State of Bihar
2. Mr. Sheikh Hussain, Son of Bansa Saheb, working as Divisional Manager, Share
Microfine Ltd. Brahmpura, Muzaffarpur Opposite Parties

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Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate
For the Opposite Party No.2: Mr. Mithilesh Kumar Gupta, Advocate
For the State : Mr. Jharkhandi Upadhyaya, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-04-2015

The petitioner has been made a named accused in
Laheria Sarai P.S. Case No. 321 of 2011 registered for the offences
punishable under Sections 409, 420 and 120B of the Indian Penal
Code.

The allegations made in the FIR do constitute a
cognizable offence. On conclusion of investigation, the police
submitted charge sheet.

After perusing the first information report and the
materials collected in course of investigation as well as the police



report submitted under Section 173(2) of the Code of Criminal Procedure, the learned Chief Judicial Magistrate, Darbhanga found a prima facie case to be made out against the petitioner under Sections 409, 420 and 120B of the Indian Penal Code and, accordingly, summoned him to face trial by order dated 18.12.2011/19.12.2011. In the present application filed under Section 482 of the Cr.P.C., the petitioner has challenged the aforementioned order dated 18.12.2011/19.12.2011.

Learned counsel for the petitioner has submitted that in course of investigation the allegations made in the first information report were not supported by independent witnesses, and, as such, the order taking cognizance for the offence and summoning the petitioner to face trial is bad in eye of law.

On the other hand, learned counsel for the opposite party no. 2 has submitted that not only the allegation made in the FIR have been supported by the witnesses during investigation but the charges have also been framed in this case on 15th April, 2014 after receipt of the police report and the trial of the case is in progress.

In view of the subsequent developments, I am not inclined to entertain this application as the trial has already commenced.

Accordingly, the application is dismissed.

However, the learned Judicial Magistrate-1st Class, Darbhanga before whom the matter is pending is directed to expedite the trial and conclude the same as early as possible, preferably within six months from the date of receipt of the copy of the order. In case the witnesses on behalf of the prosecution are not produced within the stipulated period without any justifiable reasons, the learned Magistrate would be at liberty to close the prosecution case and proceed to the next stage of the trial.

(Ashwani Kumar Singh, J.)

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