

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.742 of 2014

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

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Gopal Prasad Sharma, son of Sri Chakeshwar Sharma, resident of Village- Babhangama, P.S. Bounsi, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Law Secretary, Patna, Bihar
2. Ranjana Sharma, W/o Gopal Prasad Sharma, D/O Sri Rohit Sharma, resident of village Amoi Marupchak, P.O. + P.S. Mojahidpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Respondent/s : Mr. Sandip Singh, A.C. to GP-9

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-02-2015

The petitioner has been made accused in Complaint Case No. 1167 of 2008. It has been contended that for the last 7 years there is no progress in the trial.

In this application filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the learned Sub Divisional Judicial Magistrate, Bhagalpur to expedite the complaint case and conclude the same within six months.

In my considered opinion, if there is no progress in the trial for no fault on the part of the petitioner, the petitioner should first approach the court of Magistrate and make a request for closure of the prosecution case. There is nothing on record on the

basis of which it can be held that the petitioner has made any effort before the court below in this regard. Even the copy of the order sheet of the court below has not been annexed to the present application.

Having regard to the facts and circumstances of the case, I dispose of the present application giving liberty to the petitioner to approach the court below first.

(Ashwani Kumar Singh, J)

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