

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10061 of 2013

Arising Out of PS.Case No. -301 Year- 2004 Thana -DANAPUR District- - Patna

- =====
1. Rajeshwar Singh @ Rajeshwar Prasad Singh S/O Late Naumi Singh
 2. Amar Nath Singh, son of Sri Rajeshwar Singh
- Both resident of village Rukunpura, P.S. Rupaspur (Danapur), District Patna.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the State : Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 8.1.2013 passed in Criminal Revision No. 410 of 2011 by which the Additional Sessions Judge, Danapur, has affirmed the order dated 5.5.2011 passed by the Judicial Magistrate, 1st Class, Danapur, Patna, in Danapur P.S. Case No. 301 of 2004 allowed a petition under Section 311 Cr. P.C. whereafter the matter is still pending.

Considering that whether recall under Section 311 Cr. P.C. is required, is mainly for a trial judge, I am not inclined to interfere in the matter. I am surprised that the matter is still pending at the same stage even though there was no order of stay. The Magistrate concerned is directed to conclude the Proceeding positively within a

period of two months from the date of receipt of this order without granting unnecessary adjournment to any Party for any reason whatsoever.

With this observation, the application stands disposed off.

(Anjana Prakash, J)

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