

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39197 of 2012

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Ravi Yadav S/O Late Banai @ Banayee Yadav, resident of Village-
Machcha, P.S.- Triveniganj, District- Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 30-04-2015

Heard the parties.

2. The petitioner has filed the present application under Section 482 of the Code of Criminal Procedure, 1973 for quashing the order dated 16.08.2012 passed in Sessions Trial No. 138 of 1994 by the learned Ad hoc Additional Sessions Judge Ist, Supaul whereby the petition filed on behalf of the petitioner under Section 311 of the Code of Criminal Procedure has been rejected.

3. Evidently, the criminal case lodged by the petitioner was committed to the court of sessions in the year 1994 and the trial remained pending for 18 years, yet the prosecution could not produce the Investigating Officer for examination as P.W., as result of which the prosecution evidence was closed on 21.05.2012. Thereafter, the informant filed a petition for examination of the Investigating Officer in terms of Section 311 of the Code of Criminal Procedure. The learned trial court has rejected the prayer by a reasoned and speaking order.

4. It has been stated in the impugned order that the charge was framed against the accused persons on 12.08.1996 and thereafter eleven witnesses were examined on behalf of the

prosecution and finally prosecution evidence was closed on 21.05.2012. The petition filed on behalf of the petitioner was dilatory in nature, which has rightly been rejected by the learned trial court.

5. For the reasons recorded above as also for the reasons recorded by the learned trial court, this Court does not find any good ground to interfere with the impugned order passed by the learned trial court. The present application seems to be completely misconceived and it is, accordingly, dismissed.

6. However, the learned trial court is directed to expedite the trial of the accused persons.

(Birendra Prasad Verma, J)

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