

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.675 of 2012

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Ganpat Singh son of late Ambika Singh, resident of village- Jalpura, Police Station- Haspura, District- Aurangabad at present working as Junior Engineer in Rural Engineering Organization, Works Division, Chapra, District- Chapra.

.... Petitioner

Versus

The State of Bihar through Secretary, Department of Home, Govt. of Bihar, Patna.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Respondent/s : Mr. S.S. Shabbar Hussain GP-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 23-11-2015 By way of an application filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks a direction to be issued to the trial Court to conclude the trial in G. R. No. 1748 of 1996/773 of 2008 arising out of Nawada Pakri Barawa P. S. Case No. 134 of 1996.

The petitioner has been named accused in Nawada Pakri Barawa P. S. Case No. 134 of 1996 registered under Sections 406, 409, 420 and 120-B of the Indian Penal Code.

It is contended that initially, the case was filed as a complaint which was referred to the police under Section 156(3) of the Code of Criminal Procedure for investigation pursuant to which, the FIR was instituted. The



complainant/informant of the case has launched the prosecution case with ulterior motive just to humiliate and harass the petitioner due to personal grudge. It is contended that on completion of investigation, charge-sheet was submitted in the Court on 30.03.1997 pursuant to which, cognizance of the offence was taken on 09.07.1997. Thereafter, charges were framed against the petitioner on 17.05.2001 and since then no witness has turned up on behalf of the prosecution to adduce evidence during trial. The trial Court has adjourned the matter to different dates but no witness appeared to adduce evidence.

Learned counsel for the State has submitted that all steps shall be taken on behalf of the State to produce the witnesses within four months from today.

Having heard learned counsel for the petitioner and learned counsel for the State, I direct the Jurisdictional Magistrate to hold the trial in the case on day-to-day basis and conclude the same as early as possible preferably within six months from the date of receipt/production of a copy of this order. In case, the prosecution fails to produce its witnesses within the time stipulated, the Court below shall close the prosecution case and proceed ahead with the

matter.

With the aforesaid observations and directions, the application is disposed of.

(Ashwani Kumar Singh, J.)

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