

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27645 of 2015

Arising Out of PS.Case No. -72 Year- 1994 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

Sri Krishna Giri son of Late Ram Prasad Giri, Resident of Village -
Kumbhiya, P.S. Ramnagar, District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Ram Chandra Chaudhari, son of late Mohan Chaudhary Resident of
village - Baspur Pipra, P.S. Sahodara District - West Champaran.
3. Naresh Giri, son of Jagarnath Giri resident of Village - Kumhiya Khurd,
P.S. Ram Nagar, District - West Champaran.
4. Dinesh Giri, son ogarnath Giri Resident of Village - Kumhiya, P.S. Ram
Nagar, District West Champaran.
5. Baijnath Sah, son of Late Bangali Sah resident of Village - Kumhiya
Khurd, P.S. Ram Nagar, District - West Champaran.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1
For the Opposite Pary/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

By filing the instant application under Section 482
of the Code of Criminal Procedure, the petitioner seeks quashing
of the order dated 6.5.2015 passed by the learned Additional
Sessions Judge-III, Bagaha, West Champaran, in Sessions Trial
No. 18 of 2002 arising out of Ramnagar PS Case No. 72 of 1994,

whereby the application filed under Section 319 Cr.P.C. for summoning opposite party nos. 2 to 5 has been rejected by the court below.

Learned counsel for the petitioner submits that though witnesses have supported the allegation regarding complicity of the opposite party nos. 2 to 5 in the alleged occurrence, the court below wrongly rejected the application filed under Section 319 Cr.P.C. for summoning them as the additional accused.

I have heard learned counsel for the petitioner and perused the deposition of witnesses which have been annexed as Annexure-2 series to the present application. I find that only suspicion has been raised against the accused who are said to be impleaded as additional accused. The court below has rightly rejected the application which was filed after two decades of the alleged incident of occurrence. The court below has recorded that the prosecution deliberately wants to delay the completion of the trial. It has given clear, cogent and convincing reasons for rejecting the application.

Regard being had to the facts and circumstances of the case, I do not find any merit in this application. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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