

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10194 of 2015

Arising Out of PS.Case No. -339 Year- 2009 Thana -BRAHMPUR District- BUXAR

1. Bimlesh Thakur @ Chhatu Thakur @ Bimlesh Kumar Thakur, S/o Awadh Bihari Thakur, resident of village + P.O. Chakki (Jaipal Thakur Ka Dera), P.S. Brahmpur (O.P. Chakki), Distt. - Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioner seeks quashing of the order of non-discharge dated 09.01.2015 passed by the Additional Sessions Judge, IV, Buxar, in Sessions Trial No.238 of 2010 arising out of Brahmpur (Chaki OP) P.S. Case No.339 of 2009 on the basis of plea of *alibi*.

Considering that the plea of *alibi* is a question of fact which cannot be gone into at the stage of 482 Cr. P. C., I am not inclined to interfere in the matter.

The application is **dismissed**.

The Trial Court is directed to expedite the trial without granting unnecessary adjournment to any party for which reason the Trial Court shall send a list of the witnesses fixing specific dates for

their examination along with a copy of this order to the concerned Superintendent of Police, who is directed to ensure the attendance of the witnesses on the date fixed so that there is no further delay in the trial.

JA/-

(Anjana Prakash, J)

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