

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41562 of 2012

Arising Out of PS.Case No. -3098 Year- 2010 Thana -null District- PATNA

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1. Smt. Lalita Rai W/O Sri Baldeo Rai Resident Of Village- Bhagha Tola, Police Station- Janipur, District- Patna, At Present Residing At House No. 13/214, Indira Nagar, Near Minsihpuliya, P.S.- Indira Nagar, District- Lucknow (U.P.)
 2. Baldeo Rai S/O Late Biffan Rai Resident Of Village- Bhagha Tola, Police Station- Janipur, District- Patna, At Present Residing At House No. 13/214, Indira Nagar, Near Minsihpuliya, P.S.- Indira Nagar, District- Lucknow (U.P.)
 3. Niraj Rai S/O Baldeo Rai Resident Of Village- Bhagha Tola, Police Station- Janipur, District- Patna, At Present Residing At House No. 13/214, Indira Nagar, Near Minsihpuliya, P.S.- Indira Nagar, District- Lucknow (U.P.)

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Aruna Devi W/O Sri Surendra Kumar Das Resident Of Village- Bajitpur, Police Station- Bardh, District- Patna, At Present House No.89, New Bank Colony (Fair Field Colony), Police Station- Digha, District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mrs. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 20-04-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

In this application filed under section 482 of the Code of
Criminal Procedure the petitioners seek quashing of the order dated 13.07.2012
passed in Special Case No. 48 of 2012, arising out of Complaint Case No. 3098-C
of 2010 by the learned Special Judge-cum-Additional Sessions Judge Ist, Patna by
which the learned Special Judge has framed charges against the petitioners under
sections 323, 504 and 385 of the Indian Penal Code and Section 3(i)(x) of the
S.C./S.T. (Prevention of Atrocities) Act.

It has been admitted by the learned counsel for the petitioners that at the stage of framing of charge, no application for discharge was filed before the trial Court. The court below framed charge on 13.07.2012 and thereafter the instant application has been filed in October, 2012 before this Court. Since then more than two years have elapsed. It is well settled that once charges are framed into a criminal case, it would end either in acquittal or in conviction. At this stage, this Court would refrain from exercising its power under section 482 of the Code of Criminal Procedure.

Accordingly, this application is dismissed. If so advised, it would be open to the petitioners to raise all the points available to them at the time of final argument before the trial court.

(Ashwani Kumar Singh, J)

Amin/-

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