

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.695 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Loknath Sharma,
 2. Binay Sharma @ Binay Kumar Sharma,
 3. Subodh Sharma,
 4. Sriram Sharma, all S/O Late Kunj Bihari Sharma, resident of mohalla- Agarwa,
P.S. Motihari Town, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

With

=====

Criminal Revision No. 753 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN
(MOTIHARI)

- =====
1. Sudhanshu Kumar Sharma @ Sudhanshu Sharma, son of late Kunj Bihari
Sharma, resident of mohalla:- Agarwa, P.S: Motihari Town, Distt- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

(In CR. REV. No. 695 of 2013)

For the Petitioner/s : Mr. Nand Kishore Singh, Advocate
For the Respondent/s : Mr. Umesh Kumar Singh, Advocate
APP

(In CR. REV. No. 753 of 2013)

For the Petitioner/s : Mr. Nand Kishore Singh, Advocate
For the Respondent/s : Mr. Umesh Kumar Singh, Advocate
APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-04-2015

1. The Petitioners seek revision of the order dated

09.05.2013 by which the 6th Additional Sessions Judge, East

Champaran, Motihari, has refused to discharge the Petitioners in

Sessions Trial No.945 of 2006.



2. It has been submitted on behalf of the Petitioners that genesis of the occurrence is not believable. In fact, the accused persons themselves were aggressor and they had been directed by this Court to go to the Civil Court despite which they attempted to capture the lands in which this occurrence took place. Further, during investigation the senior police Officers have opined that the allegations against the Petitioners are improbable.

3. The Petitioners seek reliance on the established principle of law as reported in AIR 1979 SC 366 (Union of India Vs. Prafulla Kumar Samal).

4. Having considered that the Petitioners are named in the First Information Report with definite allegation of having committed murder of five persons, evidently arguments advanced are fit to be rejected, inasmuch, as veracity of the prosecution case can only be tested during trial and cannot be thwarted at the threshold without giving the prosecution an opportunity to prove its case. The Apex Court decision does not support the Petitioners' contention since the principles enumerated therein do not apply to the present case on facts.

5. This Court is desisting from observing on merits because it may prejudice either party during trial and, therefore, without further discussing the material against the Petitioners the

applications are **dismissed**.

6. 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.

(Anjana Prakash, J)

JA/-

U		T	
---	--	---	--