

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31889 of 2015

Arising Out of PS.Case No. -51 Year- 2001 Thana -RASULPUR District- SARAN

Dashrath Prasad Singh @ Malik Singh, S/o Late Paras Nath Singh, R/o village - Sarawan, P.S.-Rasulpur, District - Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Tiwary, Advocate

For the Opposite Party No.2 : Mr. Binay Krishna, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 18-12-2015

By way of the present application under Section 482 of the Code of Criminal Procedure, the petitioner, who is informant of the case, seeks quashing of the order dated 18.03.2015 passed by the learned Additional District & Sessions Judge-VIII, Saran, Chapra in Tr. No. 525/2005 arising out of Rasulpur P.S. Case No. 51 of 2001 whereby the learned Additional Sessions Judge has rejected the petition dated 29th July, 2013 filed by the informant praying for framing of additional charges under Sections 436 and 429 of the Indian Penal Code against the accused persons.

I have heard respective counsel for the parties and

perused the record.

It would appear from the record that the FIR was instituted on 20th July, 2001 under Sections 147, 148, 149, 323, 307, 506 and 429 of the Indian Penal Code. After completion of investigation, the police submitted charge-sheet under Sections 147, 148, 149, 323 and 307 of the Indian Penal Code. Accordingly, the learned Magistrate took cognizance of the offence and the case was committed to the court of Sessions for trial in the year 2005 itself. The accused persons were charged for the offences punishable under Section 307/149 of the Indian Penal Code and since then they are facing trial.

In course of trial, certain witnesses were examined and from the order impugned, it would be evident that apart from the informant, the other witnesses, who have supported the prosecution case, have already died. Some other witnesses, who have deposed during trial, have been declared hostile by the Court at the request of the prosecution.

At the fag end of the trial, an application has been filed on behalf of the petitioner before the court below for framing of additional charges under Sections 436 and 429 of the Indian Penal Code. The court below has considered the evidence on record and has rejected the application filed on behalf of the petitioner vide

order dated 18.03.2015. However, no justifiable ground has been argued as to why there is need of additional or alteration of charges at this belated stage. The trial court has opined that the application has been filed just in order to delay the trial.

I have perused the order impugned. I find that clear, cogent and convincing reasons have been assigned by the trial court for rejecting the application filed on behalf of the petitioner.

Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

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