

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.258 of 2015

Arising Out of PS.Case No. -71 Year- 2011 Thana -COMPLAINT CASE District- SHEOHAR

Sushil Kumar Singh, son of late Iswar Nath Singh, Resident of village - Mahuaria,
Police Station - Sheohar, District - Sheohar.

.... Petitioner

Versus

1. The State of Bihar.
2. Shanti Devi, Wife of Late Pawan Chaudhary, resident of village - Mohari Tole
Maulaganj, P.S. -Tariyai, District - Sheohar. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Amod Kumar Singh, Advocate

For the Opposite Party/s : Mr. E. Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-08-2015

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

By filing this application under Section 482 of the Code
of Criminal Procedure, the petitioner seeks quashing of the order
dated 09.04.2014 passed by the learned Judicial Magistrate-1st
class, Sheohar in Complaint Case No. C1-71/11 corresponding to
Tr. No. 490 of 2014 whereby the learned Magistrate has discharged
the accused persons in exercise of power conferred under Section
245 of the Code of Criminal Procedure.

It would be evident from the impugned order dated 09.04.2014 that after summoning of the accused persons, no witness turned up to adduce evidence before charge on behalf of the complainant. Though, the trial court adjourned the matter to different dates for over one year, the complainant failed to examine any witness before the Magistrate concerned.

In that view of the matter, the learned Magistrate was left with no option but to discharge the accused in exercise of power conferred under Section 245 of the Code of Criminal Procedure.

Regard being had to the facts and circumstances of the case, I find no infirmity in the impugned order. Accordingly, the application, being devoid of any merit, is hereby dismissed.

(Ashwani Kumar Singh, J.)

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