

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38682 of 2012

Arising out of PS.Case No.-310 Year-2001 Thana-Motihari Town District- EASTCHAMPARAN
(MOTIHARI)

Abhay Sharma @ Abhay Kumar Sharma, Son of Late Durubdeo Sharma, Resident
of Mohalla Agarwa, P.S. Motihari (Town), District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : None.

For the Opposite Party: Sri Gajendra Prasad Yadav, APP

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA

ORAL JUDGMENT

Date: 26-02-2015

None appears on behalf of the petitioner.

2. What appears from perusal of the record is that the police submitted charge sheet against some of the accused persons and on that the evidence of some witnesses were recorded who did not support the charges as against the accused persons who were put on trial in Sessions Trial No. 313 of 2003. As regards the present petitioner, the decision was pending and the police submitted supplementary charge sheet on perusal of which the learned Chief Judicial Magistrate, Motihari, East Champaran took cognizance under Sections 302, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

3. The petitioner has prayed for quashing the proceedings on the basis of evidence which was recorded in the

trial which was earlier commenced against the accused persons who were sent up for trial by the main charge sheet.

4. This Court finds that the prayer may not be exceeded to as the evidence which was recorded against some set of accused persons was in a different trial and that could not be the basis for passing an order quashing the proceedings.

5. Petition is dismissed.

(Dharnidhar Jha, J.)

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