

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.631 of 2016

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

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Syed Rizwanul Haque, Son of Syed Allaul Haque Resident of E-1 Shanti Hari
Awasan, Talwar Building District Jamshedpur (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Govt. of Bihar.
2. Sazia Nasir D/o Late Kaji Abujar Md. Nasir R/o- Ali Nagar Colony, P.S.-
Gardanibagh , District- Patna.

.... Respondent/s

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Appearance:

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

For the Respondent/s : Mr. Rakesh Kumar Shrivastava, AC to GP-15.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 20-09-2016

The writ petitioner has approached this Court for a direction to the learned Trial Court to decide a petition filed by the petitioner under Section 245 of the Code of Criminal Procedure.

The respondent herein filed a complaint for the offences including the offence under Section 498A of the Indian Penal Code before the learned Judicial Magistrate, First Class, Patna. In the said complaint, the charge is yet to be framed. But it appears that with intent to delay the decision of the complaint, the petitioner filed a cryptic application under Section 245 of the Code of Criminal Procedure for his discharge. It is the said application which the petitioner wants it to be decided.

A perusal of the application does not show that any of the pre-conditions for discharge of the accused under Section 245 Cr.P.C. are even mentioned by the petitioner in the application. The application appears to be with intent to delay the proceedings. Such an application does not deserve to be even entertained.

Therefore, I do not think that any direction can be issued to decide such misconceived application. Accordingly, this writ application is dismissed. However, the learned Trial Court is directed to take up the complaint on priority basis and decide the same in accordance with law expeditiously.

(Hemant Gupta, J)

Mishra/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
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