

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.442 of 2015

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

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1. Md. Shahnawaj, Son of Late Islamuddin, resident of Mohalla Mirjabagh, P.O., P.S. and District- Araria.
 2. Bibi Sabina, W/O Md. Jumman, resident of Mohalla Azad Nagar, P.O, P.S. and District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Superintendent of Police, Araria.
3. The Deputy Superintendent of Police, Araria.
4. The officer-in-Charge, Araria Police Station, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Asha Verma

For the Respondent/s : Mr. Saroj Kumar Sharma, A.C. to AAG 5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-01-2016

Though the petitioners have made several prayers in the writ application, learned counsel for the petitioners has contended that the petitioners confine their prayer to the extent of seeking quashing of the order dated 10.03.2015 passed in Session Trial No. 1061 of 2008 by the learned Ad-hoc Additional Sessions Judge IV, Araria whereby he has rejected the application filed by the petitioners on 18.01.2011 under section 321 of the Code of Criminal Procedure, 1973 for withdrawing the prosecution against the petitioners who have been charge-sheeted in Araria P.S. Case No. 71 of 2004, inter alia, under section 302 of the Indian Penal Code. The aforesaid order

dated 10.03.2015 has been brought on record as Annexure-4 to the present application.

I have perused the impugned order dated 10.03.2015 whereby the learned Ad-hoc Additional Sessions Judge IV, Araria has rejected the application filed by the Public Prosecutor under section 321 of the Code of Criminal Procedure, 1973. The said order is a reasoned order and is final in nature.

In view of an equally efficacious and statutory remedy under sections 399 and 401 of the Code of Criminal Procedure, 1973 being available to the petitioners for the redressal of their grievances, I am not inclined to entertain the present application in the extraordinary writ jurisdiction.

In that view of the matter, this application is disposed of.

(Ashwani Kumar Singh, J)

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