

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.442 of 2016

Arising Out of Complaint Case No. 458 C of 1988, Thana
Chanpatiya, District- WESTCHAMPARAN (BETTIAH)

- =====
1. Dhirendra Kumar Verma S/o late Satya Deo Prasad
 2. Rajiv Kumar Verma @ Navin S/o Dhirendra Kumar Verma
Both R/o village Tikuliya, P.S. Chanpatiya, District West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Ashok Kumar Verma, S/o late Satyadeo Prasad,
R/o village Tikuliya, P.S. Chanpatiya, District West Champaran
Respondents

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Respondent No.1 : Mr. Anirudh Kr. Singh, AC to GP 25
For the Respondent No.2 : Mr. Jai Prakash Verma, Advocate
(Complainant)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 30-09-2016

Heard Mr. Sanjay Kumar No.7, learned Counsel for the
petitioner, and Mr. Anirudh Kumar Singh, learned AC to GP 25,
appearing for the State respondent. Heard also Mr. Jai Prakash Verma,
learned Counsel for the respondent No.2.

The petitioners are accused in Complaint Case No. 458C of
1988. Cognizance has been taken of the offence under Sections
323/379/504 of the Indian Penal Code against them and their trial has
proceeded, which is presently pending in the Court of learned Judicial
Magistrate, West Champaran, Bettiah.



However, with the help of this writ petition, made under Article 226 of the Constitution of India, the petitioner has sought for setting aside the Trial No. 623 of 2015, arising out of Complaint Case No.458C of 1988, pending in the Court of Shri Pranav Shankar, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

Learned Counsel for the petitioners submits that during course of trial of the case aforementioned, , all the witnesses have been examined, but when the case was fixed for final argument, learned trial Court noticed that the evidence sheet of P.W.4, namely, Ashok Kumar Verma, who is complainant-respondent No.2 herein, is not on record. Despite search, the said evidence could not be recovered though the learned trial Court sought for permission from the learned Sessions Judge to reconstruct the record. However, the complainant-respondent No.2 has not appeared to adduce his evidence in the case with the result that the case remains pending for reconstruction of the record since 06.07.2002.

Having regard to the nature of the grievances expressed by the petitioners, this writ petition is disposed of with direction that the learned trial Court shall re-construct the record of the case aforementioned in accordance with law and, upon hearing the parties, conclude the trial expeditiously in accordance with law, preferably, within a period of three months from the date of receipt of a certified

copy of this order.

Since complainant-respondent No.2 has already appeared through his learned counsel before this Court, it is hereby directed that the complainant-respondent No.2 as well as the accused petitioners shall appear in the case aforementioned, on 19.10.2016, in the learned trial Court, and thereafter, the learned trial Court shall dispose of the same in accordance with law.

In terms of the observations and directions, this writ petition shall stand disposed of.

(I. A. Ansari, CJ)

A.I./-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	03.10.2016
Transmission Date	03.10.2016