

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41734 of 2013

Arising Out of PS.Case No. -87 Year- 2011 Thana -PHULIWARIA District- GOPALGANJ

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Mandodari Devi, wife of Janaki Ram, resident of village Pakauli Bado,
P.S.-Phulwariya, District-Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. Haresh Ram, son of Late Dharamdeo Ram, resident of village Pakauli
Bado, P.S.-Phulwariya, District-Gopalganj

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Chaubey

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-05-2016 Heard Sri Sanjay Kumar Chaubey, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner has approached this Court,
invoking its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, with a prayer to quash an order, whereby
charge has been framed for the offence under Section 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner tried to persuade
the Court by way of referring to F.I.R. that there was no
accusation of participation in the occurrence, save and except the
fact that while some quarreling was going on in the house of the
informant, the petitioner along with her husband had arrived and ,

thereafter, the husband of the petitioner gave a spade blow on the stomach of brother of the informant, who subsequently died and thereafter, Section 302 of the Indian Penal Code was also added in the F.I.R, whereas F.I.R. was initially lodged under Sections 447, 341, 323, 307/34 of the Indian Penal Code.

Keeping in view the fact that charge has already been framed, there is no reason to interfere with the matter. After framing of charge, normally it is considered that trial has already commenced and after commence of trial, it would not be advisable for this Court to interfere with the trial.

The petition stands dismissed.

(Rakesh Kumar, J)

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