

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24058 of 2016

Arising Out of PS.Case No. -7 Year- 1994 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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1. Bijay Kumar @ Bijay Kumar Singh @ Tuttu S/o Ram Lakhan Singh
resident of Village - Digha Fatehpur, P.S. - Baligaon, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 14-06-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner has filed this petition under Section 482 of
the Cr.P.C. for quashing the order dated 21.03.2016 passed in
Sessions Trial No. 01 of 1999 arising out of Baligaon P.S. Case
No. 07 of 1994 by which and whereunder learned Additional
Sessions Judge-V, Vaishali at Hajipur ordered to add charge under
Section 27 of the Arms Act against the petitioner and others.

The petitioner along with some other accused is
facing trial in Sessions Trial No. 01 of 1999 in which earlier
charge under Section 396 of the Indian Penal Code was framed
against the petitioner and others. The prosecution as well as
defence closed their evidence on 16.04.2007 and since then the

matter was pending for argument. However, in the meantime, a petition under Section 216 of the Cr.P.C. was filed to add charge under Section 27 of the Arms Act which was allowed by learned Additional Sessions Judge-V, Vaishali at Hajipur passing impugned order dated 21.03.2016.

Learned counsel appearing for the petitioner submits that petitioner is facing trial since 1999 and when the case was posted for pronouncement of judgment, prosecution filed petition under Section 216 of the Cr.P.C. with an intent to harass the petitioner.

No doubt, petitioner is facing trial since long and the prosecution filed petition to add charge at very belated stage but in my view, there is no illegality in the impugned order and accordingly, this petition stands rejected on admission stage itself.

However, the learned Additional Sessions Judge-V, Vaishali at Hajipur/concerned court is directed to dispose of Sessions Trial No. 01 of 1999 within three months from the date of receipt/production of copy of this order, failing which the matter shall be viewed seriously.

(Hemant Kumar Srivastava, J)

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