

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53997 of 2013

Arising Out of PS.Case No. -35 Year- 2010 Thana -RAJAUN District- BANKA

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Sri Lal Ram @ Shrilal Ram, son of Shital Ram, resident of village- Navtolia
Mahda, P.S. Rajoun, District-Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-07-2016

Heard Sri Sanjay Kumar Jha, 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 dated 18.11.2013 passed by learned Judicial Magistrate, 1st Class, Banka in Rajoun P.S. Case no.35/2010, G.R. No.348/2010. By the said order, the learned Magistrate has rejected the petition filed on behalf of the petitioner under Section 239 of the Code of Criminal Procedure for his discharge.

Learned counsel for the petitioner submits that it is true that initially in the F.I.R., the petitioner was made accused for offence under Section 25(1-B)(a) of the Arms Act, but after investigation, the petitioner was exonerated and one another



accused, namely, Fantus Ram was forwarded as accused. However, the learned Magistrate differing with the police report took cognizance against the petitioner. Earlier at the time of charge, the petitioner had filed a discharge petition on the ground that there was no prosecution sanction, even then the petition was rejected. Thereafter, the petitioner filed a revision vide Cr.Revision No.73/2012, which was finally allowed and order of rejection of discharge petition dated 01.02.2012 was set aside. However the revisional court i.e. learned Adhoc Addl. District & Sessions Judge-IV, Banka remitted back the matter to the court below for passing fresh order in accordance with law. It was submitted by learned counsel for the petitioner that after the order for several months, prosecution sanction was not obtained and, thereafter, prosecution sanction was obtained and in the light of said prosecution sanction afresh discharge petition of the petitioner was rejected.

Besides hearing learned counsel for the parties, I have also perused the impugned order. Fact remains that on the date of hearing petition on discharge after the remand there was already prosecution sanction on record. Moreover, in the F.I.R., there is specific accusation against the petitioner. I do not find any error in the impugned order.

The petition stands dismissed.

Since F.I.R. was lodged in the year 2010 itself, while dismissing the present petition it is desirable to observe that the court below may take appropriate steps for early disposal of the case.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J)

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