

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 52960 of 2013**

Arising Out of PS.Case No. -2341 Year- 2010 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Suresh Prasad S/O Late Akhileshwar Prasad Resident of Udaynan  
Apartment, Plot No.-502, Boring Road, P.S.-Sri Krishna Puri, District-  
Patna

.... .... Petitioner

Versus

1. The State of Bihar  
2. Rabindra Singh M/S Raj Construction, Resident of Rajendra Lane, P.S.-  
Shastri Nagar, District- Patna

.... .... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar  
For the Opposite Party/s : Mr. S. Eheteshanuddin(App)  
Mr. Sunil Kr. Singh

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 26-07-2016 Heard learned counsel for the petitioner, Mr. S.  
Eheteshmuddin, learned Addl. Public Prosecutor as well as Sri  
Sunil Kumar Singh, learned counsel for complainant/opposite  
party no. 2.

The petitioner, in the present petition filed under  
Section 482 of the Code of Criminal Procedure, has made a prayer  
for quashing of an order dated 26-10-2013 passed in Complaint  
Case No. 2341 (C) of 2010, Tr. No. 1207 of 2013. By the said  
order, the learned Judicial Magistrate 1<sup>st</sup> Class, Patna after  
examining the witnesses before charge had framed charge.

It was submitted by learned counsel for the



complainant/opposite party no. 2 that the petitioner is in the habit of filing petitions before this Court. He submits that in this case, after order of cognizance, the petitioner had approached this Court by filing a quashing application, vide Cr. Misc. No. 27645 of 2012, which dismissed on 27-03-2015. Thereafter, he filed a discharge petition, which too was rejected on 21-05-2015, vide Cr. Misc. No. 12350 of 2013. Even after framing of charge, the petitioner has filed the present petition. He submits that it is well settled that in a criminal case, after framing of charge, trial commences, even then, the petitioner filed the present petition, only and only with a view to further delay the conclusion of the trial. He submits that in the case, after the prosecution evidence, statement of accused under Section 313 of the Cr.P.C. was recorded long back on 08-07-2014 and till date, the case is continuing for defence evidence.

In view of the fact that the present petition was filed against framing of charge and during pendency of this petition, after conclusion of the prosecution evidence, statement of accused was recorded, there is no reason to pass any favourable order.

The petition stands dismissed.

In view of the fact that since long, the case is continuing only for defence evidence, while dismissing the present

petition, it is desirable to direct the trial court to conclude the proceeding within a period of three months from the date of receipt/production of a copy of this order.

**(Rakesh Kumar, J.)**

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