

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26054 of 2013

Arising Out of PS.Case No. -1319 Year- 2010 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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Dr. Sudhir Kumar Singh , son of Late Ramanand Prasad Singh, resident of
Mohalla- New Colony, P.O. + P.S. Saharsa, District Saharsa. Petitioner
Versus

1. The State of Bihar.
2. Rajesh Kumar Chaudhary S/O Sri Ganesh Chaudhary, resident of Mohalla
Vasudeopur, P.S. Puraini, District Madhepura. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.
Mr. Dinesh Maharaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 22-09-2016

Heard Sri Amresh Kumar Sinha, learned counsel for
the petitioner, Sri Madan Kumar, learned Addl. Public Prosecutor as
well as Sri Dinesh Maharaj, learned counsel for the
complainant/informant.

2. The present petition was filed with a prayer to quash
an order dated 05.11.2012 passed by learned Chief Judicial
Magistrate, Saharsa in Complaint Case No.1319 (C) /2010. By the
said order, the learned Chief Judicial Magistrate has taken cognizance
of offence under Section 354 of the Indian Penal Code and directed
for summoning only one accused i.e. the petitioner.

3. The present petition was filed on 27.06.2013.
However, on 05.04.2016 while directing for issuance of notice, an

order was passed for staying further proceeding in the court below and, thereafter, it was admitted and lower court record was called for, which has been received.

4. At the time of hearing, it was noticed that after the order of cognizance, before charge, four witnesses were examined and finally by order dated 05.10.2015 charge was already framed against the petitioner under Section 354 of the Indian Penal Code. It appears that while stay order was being passed by this Court, learned counsel for the petitioner was not aware about the fact that charge was already framed.

5. Since in the case, charge has already has already been framed, meaning thereby that trial has commenced, the Court is of the opinion, it would not be appropriate to interfere with trial.

6. The petition stands disposed of.

7. Whatever defence has been taken in the present petition, the petitioner may take all the defence during trial before the court below.

Office is required the remit the lower court record to the court below forthwith.

NKS/-

(Rakesh Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2016
Transmission Date	23.09.2016