

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19321 of 2016

Arising Out of PS.Case No. -144 Year- 2015 Thana -SISWAN District- SIWAN

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SAHID ALI KHAN @ SHAHID ALI KHAN SON OF LATE MUSTAFA KHAN RESIDENT OF VIL- NIZAMPUR, P.S M.H NAGAR, DISTRICT SIWAN.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR
2. AWNISH SINGH JUNIOR ELECTRICAL ENGINEER ELECTRIC SECTION CHAINPUR SISWAN SUB DIVISION -SIWAN , SON OF SRI ARVIND SINGH RESIDENT OF VILLAGE- PACHRI POST BHAGALPUR P.S ATRAULIA, DISTRICT AZAMGARH U.P.
3. THE BIHAR STATE ELECTRICITY BOARD, PATNA.

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s	:	Miss. Ranjeeta Singh, Adv. Mr. Ranjeet Kumar, Adv.
For O.P. No.2	:	Mr. Sanjay Kumar Giri, Adv.
For the State	:	Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 03-08-2016

Heard learned counsel for the petitioner.

Petitioner has asked for quashing of FIR of Siswan P.S. Case No.144/2015 on the ground that accused so named therein Mustafa Khan had died since before the institution of this case. To substantiate the same, death certificate having been issued after institution of the case, has been annexed. From perusal of the aforesaid report (Annexed at page-31), it is evident that date of death has been shown as 23.09.2013. But, no explanation has been offered at the end of the petitioner, who happens to be his son why not death certificate was obtained at an earlier occasion.

Apart from this, in criminal proceeding the death of accused will ultimately led closure of the case. No substitution is

found against an accused. Some sort of relaxation is there where, apart from conviction of sentence, fine has also been inflicted against the convicted accused. Therefore, prayer of the petitioner in the background of aforesaid deficiency found out of consideration whereupon instant petition lacks merit and is accordingly rejected.

(Aditya Kumar Trivedi, J.)

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