

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42071 of 2013

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Sanjay Pratap Singh, Son of Late Jai Shankar Singh, Resident of Vill-
Alipur, Police Station- Arrah Muffasil , Distt- Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Arun Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 01-07-2016

The petitioner, in the present petition filed under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 09.09.2013 passed in S.Tr.No.36/13 arising out of Ara Nawada P.S. Case no.353 of 2012. By the said order, the learned Addl. Sessions Judge has rejected the petition filed under Sections 227 and 228 of the Code of Criminal Procedure on behalf of the petitioner.

The petitioner is an accused in a case, in which due to consumption of spurious liquor, about 21 persons including member of Scheduled Castes and Scheduled Tribes died. The case was thoroughly investigated and involvement of the petitioner had come. Thereafter, chargesheet was submitted. At the stage of charge, a petition was filed for discharge and alternatively to remit back the matter to the learned Magistrate on the plea that the

offence under the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as the “SC/ST Act”) was not applicable.

Sri Arun Kumar, learned Addl. Public Prosecutor, opposing the prayer of the petitioner, submits that there is specific accusation against the petitioner.

In this case, earlier a website copy of the order was produced by learned counsel for the petitioner passed in a case of co-accused, namely, Dr. Bhaskar Kumar Sinha @ Bhaskar Sinha vide Cr.Misc.No. 49828 of 2013. By order dated 20.12.2013, the petition was disposed of after examining the merit of the case. On perusal of the said order, it appears that against the said accused i.e. Dr. Bhaskar Kumar Sinha, there was an allegation that being a Homeopathy Doctor, he had sold some spirit to some of the co-accused persons and on this very ground, he was also made accused. Even the case of discharge of Dr. Bhaskar Kumar Sinha was not entertained. However, keeping in view the fact that he had not supplied spurious liquor to any member of scheduled caste or scheduled tribe, this Court observed that the case under the offence under Section 3(2) V of SC/ST Act appears to be doubtful in respect of the said accused. So far as the present petitioner is concerned, there is specific accusation to the extent that he himself

was running a wine shop and in the garb of licence of wine shop, spurious liquor was being supplied by the petitioner i.e. Sanjay Pratap Singh.

Accordingly, the petitioner's case may not be equated with the case of co-accused Dr. Bhaskar Kumar Sinha. The learned Addl. Sessions Judge after examining the material has passed a reasoned order on the petition filed by the petitioner and other accused.

Accordingly, I do not find any ground to interfere with the impugned order i.e. order dated 09.09.2013. The petition stands dismissed.

Keeping in view the fact that the alleged occurrence had taken place long back in the year 2012 and in which 21 persons had died, while dismissing the present petition, it is necessary to direct the trial Judge to take all steps, so that trial may be concluded without unnecessary delay. While proceeding with the case, learned trial court is required to take up the matter at least twice in a week.

(Rakesh Kumar, J)

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