

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.222 of 2016

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Ram Parikhan Choudhary, Son of Late Gonar Choudhary, Resident of
Village- Majhauli, Police Station- Bidupur, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar Through The Secretary, Department of Home, Patna.
2. The Superintendent of Police, Vaishali at Hazipur.
3. The Superintendent of Police, Patna.
4. Sanjeev Kumar Rai @ Sanjeev Rai Son of Surshwar Rai, Resident of
Village- Jalalpur, P.S.- Patori, District- Samastipur at present constable
District Police Patna.
5. The District Magistrate, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh Tarun
For the Respondent/s : Mr. M K Upadhyay, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 29-03-2016 The petitioner has sought a writ to modify or correct the

impugned order dated 23.08.2013, passed by the Chief Judicial

Magistrate, Samastipur, in Patori PS Case No. 222 of 2012 for the

offence under Section 304B read with Section 34 of the Indian

Penal Code.

The grievance of the petitioner is that in the charge-
sheet, one Sanjeev Kumar Rai alone has been made to stand trial,
whereas the mother and the first wife of said Sanjeev Kumar Rai
have not been made to stand trial. Therefore, the petitioner seeks a
direction to make the mother and the first wife of Sanjeev Kumar
Rai as accused.

Admittedly, a charge-sheet under Section 173 CrPC has been filed against Sanjeev Kumar Rai. While the matter is pending before the trial court, all proceedings relating to the trial have to be taken by the trial court alone and not by way of a writ petition under Articles 226 & 227 of the Constitution of India.

I find that the present writ petition is misconceived and is accordingly dismissed with liberty to the petitioner to avail such other remedy as is available to the petitioner in accordance with law.

(Hemant Gupta, J)

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