

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 41355 of 2013

Arising Out of PS.Case No. -46 Year- 2004 Thana -CHENARI District- SASARAM (ROHTAS)

=====

1. Rama Shankar Pandey @ Kamal Narayan Pandey Son of Late Kailash Pandey R/O Village-Khurmadabad, P.S.-Chenari, District-Rohtas At Sasaram
2. Ravi Kant Tiwari Son of Late Deo Muni Tiwary R/O Village-Kumhab, P.S.-Sheosagar, At Present Khurmadabad, P.S.-Chenari, Distt-Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. Hansraj Pandey Son of Late Triveni Pandey R/O Village-Khurmadabad, P.S.-Chenari, District-Rohtas At Sasaram

.... Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Om Prakash
Mr. Satyendra Pandey
For the Opposite Party/s : Mr. Umesh Lal Verma(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 19-05-2016 Heard Sri Om Prakash, learned counsel who was assisted by Sri Satyendra Pandey, learned counsel for petitioners and learned Addl. Public Prosecutor.

Two petitioners, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, have prayed for quashing of an order dated 27-07-2013 passed in Sessions Trial No. 438 of 2010 by the learned 4th Addl. District & Sessions Judge, Rohtas at Sasaram. By the said order, learned court below has rejected the petition filed for discharge under Section 227 of the Cr.P.C.

Learned counsel for petitioners submits that the case



was completely false. Fact remains that firstly petitioners had approached police for lodging F.I.R., which was not entertained and then lastly, petitioners filed a complaint before the Chief Judicial Magistrate and in the said case, cognizance order has also been passed, whereas, on perusal of the material on record, it is evident that after registering F.I.R., vide Chenari P.S. Case No. 46 of 2004, the petitioners were made F.I.R. named accused for the offence under Sections 447, 324, 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959. During investigation, accusation was found true and thereafter, chargesheet was submitted. At the stage of charge, petition for discharge was filed.

On perusal of the order of the learned Addl. Sessions Judge, it is evident that learned Addl. Sessions Judge has examined the matter, even injury report was also noticed and thereafter, the discharge petition has been rejected.

I do not find any defect in the order warranting interference.

The petition stands dismissed.

Keeping in view the fact that F.I.R. was lodged in the year 2004 itself and case up-to the year 2013 had reached to the stage of charge, while dismissing the present petition, it is desirable to direct the trial court to proceed with the case

expeditiously.

Let a copy of this order be sent to the concerned Superintendent of Police for rendering full assistance to the trial Judge.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--