

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45643 of 2013

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1. Dewendra Singh Son of Late Parmeshwar Singh Resident of Village-Ular, P.S.-Dulhin Bazar, District-Patna
2. Bechan Singh Son of Late Mahadeo Singh Resident of Village-Kendush, P.S.-Parasbigha, District-Jehanabad

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Prasad Singh

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7. 04-07-2016 Two petitioners have approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 10-09-2013 passed by learned Addl. District & Sessions Judge – VII, Danapur in Sessions Trial No. 1077(A) of 2009. By the said order, the learned court below has rejected the petition filed under Section 227 of Cr.P.C. for their discharge.

On perusal of the record, it is evident that the present petition was filed on 24-10-2013, thereafter, repeatedly on five occasion, on the prayer made by learned counsel for petitioners, the case was got adjourned. On examining the record, it is evident that petitioners were named as accused in a case registered for offence under Section 302 & other allied sections of Indian Penal

Code with specific accusation, however; after investigation, police submitted chargesheet against some of the accused persons exonerating the petitioners. During the trial, since witnesses disclosed involvement of the petitioners, under Section 319 of Cr.P.C., the petitioners were summoned to face trial and thereafter, discharge petition was filed, which has been rejected.

On perusal of the impugned order, the Court is satisfied that there is no ground for interference with the same.

Accordingly, the petition stands dismissed.

Keeping in view the fact that occurrence in the case has taken place long back in the year 2001, while dismissing the present petition, it is desirable to direct the court below to proceed with the case expeditiously so that the case may come to its logical end without unnecessary delay. While proceeding with the case, the learned trial court is directed to take up the matter at least once in a week. Office is directed to communicate this order to the court below forthwith.

(Rakesh Kumar, J.)

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