

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 53617 of 2013

Arising Out of PS.Case No. -52 Year- 2007 Thana -KARPI District- JEHANABAD

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Ramesh Yadav Son of Late Ramchandra Yadav Resident of Village-
Chainpur, P.S.- Karpi (Shahartelpa O.P.), District- Arwal

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Umesh Kumar

For the Opposite Party/s : Mr. D.P.Tiwari (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 28-07-2016 Heard Sri Bindhyachal Singh, learned counsel, who was assisted by Sri Umesh Kumar, learned counsel for the petitioner and Sri Damodar Prasad Tiwari, learned Addl. Public Prosecutor.

The sole petitioner has approached this Court invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, with a prayer to quash an order dated 01-11-2013 passed by learned Addl. Sessions Judge – III, Jehanabad in Sessions Trial No. 440 of 2012/80 of 2013 [arising out of Karpi (Sehar Telpa O.P.) P.S. Case No. 52 of 2007] registered for the offence under Sections 363, 364 & 34 of the Indian Penal Code. By the said order, the learned Addl. Sessions Judge has rejected the discharge petition filed on behalf of

petitioner.

It was submitted by learned counsel for petitioners that police in perfunctory manner had investigated the case. He submits that statement of number of witnesses was got recorded under Section 164 of the Cr.P.C., in which, the witnesses had asserted that kidnapped person was seen at somewhere else. It has been argued that the person, who has allegedly been kidnapped in the present case, was accused in defalcation of govt. funds, being Panchayat Secretary had himself absconded and his brother on the ground of his kidnapping had lodged the false present F.I.R.

Learned Addl. Public Prosecutor has opposed the prayer of petitioner.

Besides hearing, I have also perused the material on record. So far as submission of learned counsel for the petitioner that kidnapped person had himself absconded on the ground that he was accused, the Court is of the opinion that such submission is required to be noticed only for its rejection. On perusal of record, it is evident that the present case was lodged in the year 2007 regarding kidnapping of Panchayat Secretary, who was brother of the informant, whereas, much belatedly in the year 2010, a case was lodged alleging therein that brother of the informant had not handed over charge.

After going through the impugned order, I do not find any ground for interference.

The petition stands dismissed.

Keeping in view the fact that F.I.R. was lodged long back in the year 2007 itself, while dismissing this petition, it is desirable to observe that learned court below may take appropriate steps so that the case may come to its logical end without unnecessary delay.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J.)

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