

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31181 of 2013

Arising Out of PS.Case No. -128 Year- 2009 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Sarjug Prasad Sinha S/O Late Krishnaballabh Prasad Resident Of
Village- Uternama, Police Station- Rahui, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, -Advocate

For the Opposite Party/s : Mr. M. K. Singh, Advocate

For the State : Mr. J.Upadhyay (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

4 18-05-2016

Heard learned counsel for the petitioner, learned APP

as well as learned counsel representing O.P.2, the informant.

At an earlier occasion, while the petitioner sailed up to this Court under Cr.Misc.No. 25917/2010 against an order of cognizance, the same was disposed of on 08.05.2012 in the background of the submission made on behalf of petitioner that Block Supply Officer or Investigating Authority should have verified the stock inconsonance with the stock register and so, an opportunity was given to the petitioner to raise such plea at the stage of framing of charge and further, an obligation was put before the learned lower court that in case, such plea is raised, the same be considered inconsonance with the material available on record.

Plea was raised on behalf of petitioner and the learned

lower court had disposed it of in the background of the fact that as per case diary the Investigating Officer had repeatedly gone to the place of accused/petitioner who was traced out.

In *(2008) 14 SCC 1* as well as *2011(3) PLJR 100 (SC)*, it has been held that if there happens to be unimpeachable document in possession of the accused, then in that event, the same could be considered at the stage of framing of charge and so, a liberty is given to the petitioner to place all the documents before the learned lower court which should be verified by the prosecution party and further, if found justified, then in that event, the learned lower court will pass an appropriate order.

In case, the same is found unsubstantiated, then in that event, the learned lower court will pass an appropriate order in accordance with law.

With the aforesaid observation, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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