

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.85 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Anil Sulabh, son of Late Baidh Nath Jha
2. Abhash Jha @ Abhash Sulabh, son of Anil Sulabh
Both are resident of Maha Laxmi Bhawan, P.C. Colony, P.S. – Kankarbagh,
District – Patna.

.... Petitioners

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar,
Patna.
2. The Principal Secretary, Department of Home, Government of Bihar,
Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer-in-Charge, Beur Police Station, District – Patna.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 04-02-2017

The main question raised in the present application is whether the trial court was justified and had the jurisdiction to remand the accused during the period after submission of charge-sheet, but before cognizance was taken.

Sri P.K. Verma, learned Additional Advocate General–III, submits that the Magistrate has already taken cognizance of offence punishable under Section 406, 467, 468, 471 and 120(B)/34 of the Indian Penal Code on 25.01.2017. Thus, as of today, the petitioner has been



validly remanded to judicial custody pending trial. It is well settled law that the validity of the detention has to be seen on the day when the writ application is finally heard, and in that view of the matter, today the detention having been validated/regularized, the cause to the writ petition does not survive.

The writ petition is, accordingly, dismissed.

Let the communication as received by the Additional Advocate General be kept on record.

(Navaniti Prasad Singh, J.)

(Vikash Jain, J.)

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