

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2602 of 2017

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

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Manoj Kumar Singh, S/o Late Bindeshwari Singh, Resident of Khatri lane,
Hamampar, Adarsh Colony, P.S. Khajekalan, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Personnel and Administrative Department, Bihar, Patna.
2. Soni Lal @ Shashi Bhushan Yadav, S/o Shaligram Prasad, Resident of Rai Jai Krishna Road Gurhatta, P.S. Khajekalan, Dist.- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Raj Bansh Dubey, Advocate

For the Respondents : Mr. M. Nasrul Huda Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 21-12-2017

Heard learned counsel for the parties.

2. The petitioner is an accused in connection with Khajekalan P.S. Case No. 137 of 2012, a case under Section 302 of the Indian Penal Code and other allied Sections of the Penal Code lodged on the report of respondent no. 2 Soni Lal @ Shashi Bhushan Yadav. The aforesaid case gave rise to Sessions Trial No. 1093 of 2013. There is a counter case bearing Khajekalan P.S. Case No. 136 of 2012 corresponding to Sessions Trial No. 926 of 2014 lodged by one Nasibi Kumar against the sons of respondent no. 2 for offence under Section 302 of the Indian Penal Code and other allied Sections of the Penal Code. Both the cases are pending for trial in the Court of learned 4th Additional Sessions Judge, Patna City.

3. The petitioner filed a petition before the learned court below



to expedite the trial of both the Sessions Cases above and disposed of by a judgment to be delivered on the same day. The prayer was refused by the impugned order dated 23.11.2017 on the ground that the High Court had given direction in Cr. Misc. No. 36539 of 2017 to expedite the trial of Sessions Trial No. 926 of 2014 and conclude the same preferably within two months.

4. Prayer of the petitioner is that the petitioner is ready for expeditious disposal of the trial. However, for the ends of justice, both the cases should be disposed of on the same day since both the cases are case and counter case. In the same occurrence, murder was committed in both sides. Therefore, there is no reason that one case should be disposed of and another should linger without any reason.

5. The State-respondent has no objection in view of the well settled principle of law that case and counter case should be tried and disposed of simultaneously by the same court.

6. Therefore, the learned Judge is directed to proceed with the trial of another case wherein there is no earlier direction of this Court and to ensure pronouncement of judgment on the same day.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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