

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2932 of 2015

Arising Out of PS.Case No. -717 Year- 2004 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Ram Raj Prasad son of Lal Muni Sao resident of village Motipur P.S. Kurtha
District Arwal

.... Petitioner

Versus

1. The State of Bihar
2. Narendra Kumar Navin son of late Shiv Kumar Arya
3. Sanjay Kumar Arya son of late Shiv Kumar Arya Both are the resident of village
Sablak Sarai P.S. Kurtha District Arwal
4. P.M. Mustafi son of Dr. O.N. Mustafi, Ex. Branch Manager Motipur, Union
Bank of India, P.S. Kurtha District Arwal. Vill+P.S. Bahadurpur, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Paras Nath, Advocate.

For the Opposite Parties : Mr. Sunil Kr. Panday, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 18-03-2017

Heard both sides.

2. The petitioner has preferred this petition for quashing the
order dated 11.01.2014/13.01.2014 by which the evidence of the
petitioner has been closed and the petitioner further prays to quash the
order dated 16.09.2014 passed in Cr. Rev. No. 13 of 2014 by which the
learned Sessions Judge, Jehanabad dismissed the revision petition
confirming the order dated 11.01.2014/13.01.2014, passed in
Complaint Case No. 717 of 2004, Trial No. 1561 of 2014.

3. Learned counsel for the petitioner submits that the



complainant examined three witnesses before charge and thereafter filed a petition to call for certain documents from the bank but the same was not received and the case remained pending for evidence. Vide order dated 19.03.2009, the complainant was directed to produce the evidence if any, but the complainant did not produce any further evidence and ultimately his evidence before charge was closed vide order dated 13.01.2014. Against the aforesaid order the petitioner preferred Cr. Rev. No. 13 of 2014 which was also dismissed on 16.09.2014.

4. Learned counsel for the petitioner further submits that the complainant was not given sufficient opportunity to produce the evidence before charge. The complainant filed petition calling for the records and vide Letter No. 329 dated 15.09.2008 the records were called for from the bank but the same was not received and therefore closing of the evidence of the complainant before charge is illegal and subsequently records were not received is also illegal, but I do not find any substance in the submission of the learned counsel for the petitioner simply on the ground that vide order dated 19.03.2009 the complaint was asked to produce evidence before charge, but the complainant did not pay any heed and the case remained pending for more than four years. I find no force in a petty case in which opposite parties were summoned to face trial under Section 419 of the Indian Penal Code,



the case remained pending for more than eight years on one pretext or the other and the complainant did not produce his evidence, I find no illegality in the order. Accordingly, the quashing petition is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	
CAV DATE	
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