

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51594 of 2014

Arising Out of PS.Case No. -143 Year- 2011 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

- =====
1. Shamshir Alam, Son of Md. Shamsuddin, Resident of Sikandra, Police Station- Sikandra, District- Jamui (Bihar)
 2. Md. Shamsuddin, Son of Md. Ulphat Hussain, Resident of Sikandra, Police Station- Sikandra, District- Jamui (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-11-2017 Heard the learned counsel for the petitioners and the learned APP for the State.

This Criminal Miscellaneous has been filed for quashing the order dated 25.05.2012 passed by Smt. Rachana Srivastava, the then Judicial Magistrate, 1st Class, Nalanda at Biharsharif in Giriyak P.S. Case No. 143 of 2011, G.R. No. 2346 of 2011, Trial No. 3996 of 2012, whereby and whereunder, charges have been framed against the petitioners and others under sections 406 and 420/34 of the I.P.C.

Submission is that there is no sufficient material for framing of charge against the petitioners and as such the



impugned order is fit to be quashed, to which the learned APP seriously opposes.

In the written report of Md. Ekramuddin (informant) there is allegation against the petitioners and others that they took away Maruti Alto LX Car No. BR-46A/4786 with the consent of the informant to Sikandra but after 10-15 days the car of the informant was not returned and when the informant went to the house of the petitioners and demanded his car it was refused and they caused threats to implicate in the false cases.

The police took up investigation and after completing investigation submitted charge sheet against the petitioners also finding sufficient material in the case diary to proceed further against them. The learned Magistrate after perusal of the materials available in the case diary framed charges against the petitioners also which is quite legal, proper and correct and there is no need of any interference by this Court.

It is submitted on behalf of the petitioners that the charges have been framed on 25.05.2012 but up till now no prosecution witness has turned up and the petitioners are being harassed.

The learned APP submits that the impugned order is quite proper, legal and correct and there is no need of any



interference by this Court. So far early conclusion of the trial, direction may be given.

Under the facts and circumstances stated above, finding no illegality, incorrectness or impropriety in the impugned order the same does not require any interference by this Court and accordingly, this Criminal Miscellaneous being devoid of merit stands dismissed.

However, the learned trial court is directed to expedite the trial and to conclude the same preferably within six months after taking all proper steps and if the prosecution witnesses did not turn up then the learned trial court shall pass order for closing of the prosecution evidence in accordance with law.

(Jitendra Mohan Sharma, J)

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