

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.76 of 1999

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

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Dr. Ashok Kumar Paswan, Son of Late Jagdeo Paswan, Resident of Mohalla 123,
Hanuman Nagar, Kankarbagh, P.S – Kankarbagh, Town & District Patna, at present
posted as Superintendent, Patna Medical College & Hospital (P.M.C.H.), Patna

.... Appellant

Versus

State of Bihar

.... Respondent

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Appearance :

For the Appellant

: Mr. Dinu Kumar, Advocate.

For the Respondent

: Ms. Abha Singh, APP.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 16-09-2017

Challenging the conviction of the appellant who undergo
four days simple imprisonment for an offence under Section 349 of
the Code of Criminal Procedure on account of non-production of the
injury report and other medical documents pertaining to an accused in
Sessions Trial No. 34 of 1992. The appellant who at the relevant time
was Superintendent of Patna Medical College Hospital, Patna has
filed this appeal.

Having heard Shri Dinu Kumar, for the act in question,
the lower court on 04.07.1998 asked show cause notice to the
Superintendent of Neurosurgery Department, Patna Medical College
Hospital, Patna and the doctor was directed to produce the document
on 05.08.1998. The facts remain that the petitioner was neither the
Superintendent of Neurosurgery Department on 04.07.1998 and he



was not even posted in Patna Medical College Hospital, Patna on 04.07.1998 and 05.07.1998. He joined the Patna Medical College Hospital, Patna on 20.10.1998 and therefore, on these grounds the conviction is unsustainable.

The appeal is allowed.

The impugned order passed in Sessions Trial No. 34 of 1992 by the learned 3rd Additional Sessions Judge, Saharsa under Section 349 of the Code of Criminal Procedure stands quashed.

(Rajendra Menon, CJ)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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