

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.128 of 2015

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1. NAVIN KUMAR JAISWAL @ NAVIN KUMAR, Son of Bipin Bihari Jaiswal Resident of Village - Bramgyani Dargaha, P.S.- Bhagwanipur, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Bablu Mandal @ Babli, Son of Phuleshwar Mandal, Resident of village Bramgyani, P.S.- Bhawanipur, District - Purnea
3. Smt. Rani Devi @ Rina Devi, Wife of Bablu Mandal Resident of village and Post Bramgyani, P.S.- Bhawanipur, District - Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Respondent/s : Ms. Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

4 16-03-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

By the order, dated 18.11.2014, passed in Sessions Trial No. 254 of 2011, arising out of Bhawanipur Police Station Case No. 80 of 2009, learned Additional Sessions Judge II, Purnea, has rejected an application filed by the petitioner for his discharge under Section 227 of the Code of Criminal Procedure, 1973.

The said order, dated 18.11.2014, is being assailed in the present criminal revision application.



This is not in dispute that after rejection of the petitioner's application, charge has been framed and the trial has commenced. At least, one prosecution witness has been examined at the trial.

In such circumstance, I am not inclined to interfere with the impugned order at this stage.

Learned Counsel for the petitioner has submitted that there is absolutely no material to suggest petitioner's role in commission of any offence.

The said aspect can be looked into by the learned Trial Court at the stage of trial, if the petitioner takes such plea.

This application is accordingly disposed of without interfering with the impugned order, with an observation that the petitioner shall be at liberty to raise the plea which he has raised in the present application before the learned Trial Court at appropriate stage.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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