

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20520 of 2014**

Arising Out of PS.Case No. -443 Year- 2013 Thana -ARARIA District- ARRARIA

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Tublu Das Gupta, Son of Late Parimal Das Gupta resident of Araria Ward  
No. 22 P.S. Araria, District - Araria

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate  
Mr. Sumeet Kumar Singh, Advocate  
Mr. Abhiprav Singh, Advocate

For the State : Mr. J.Upadhya, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR  
UPADHYAY  
ORAL ORDER**

2      12-07-2017                      Heard learned counsel for the petitioner and the state.

Learned senior counsel appearing on behalf of the petitioner has submitted that the instant case is covered by the judgment of the Apex Court in the case of State of Haryana Vs. Choudhary Bhajan Lal & Ors.: AIR 1982 SC 604 and there is absolutely no evidence against the petitioner and in case where there is absolutely no evidence, the continuation of trial is an abuse of process of law.

In the instant case the charge sheet was submitted way back on 13th of January, 2014 and the learned Chief Judicial Magistrate took cognizance on 6.3.2014.

In view of the fact that the order taking cognizance is



more than three years old, it would be appropriate if the petitioner files exhaustive petition for discharge raising all the issues before the Court below indicating the issue of absolutely no evidence within a period of one months from today, it goes without saying that the Court below will address each and every issue raised in such application for discharge by applying judicial mind and dispose of the same by a reasoned and speaking order considering the submission of the petitioner that there is absolutely no evidence against the petitioner.

With the aforesaid observation, the application stands disposed of.

**(Anil Kumar Upadhyay, J)**

S.Pandey/-

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