

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38115 of 2014

Arising out of P.S.Case No.375 Year 2005 Thana PATNA COMPLAINT CASE District PATNA

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1. Guru Datt @ Guru Dutt Prasad Gupta Son of Dr. Vijay Kumar
 2. Shankar Dutta @ Badari Prasad Gupta Son of Dr. Vijay Kumar
 3. Dr. Vijay Kumar Son of Late Ramchander Master Resident of Mohalla- Station Road, Khushrupur, P.O.- Khushrupur, Police Station- Khushrupur, District- Patna

.... Petitioners

Versus

1. The State of Bihar
2. Suresh Prasad Gupta Son of Ram Prasad Gupta Resident of Mohalla- Chak Hussain, Khsrupur, Police Station- Khushrupur, District- Patna

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Umesh Prasad, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 31-08-2017

Heard learned counsel for the parties.

2. The petitioners seek quashing of order dated 19.08.2014, passed by learned Judicial Magistrate, 1st Class, Patna City in complaint case C.A. No.375 of 2005 whereby the date for evidence before charge was fixed and allowed the time petition of the complainant for giving evidence, and also wants quashing of the entire criminal proceeding.

3. Learned counsel for the petitioners seeks quashing of the entire criminal proceeding on the ground that the case was filed in the year 2005 but still the complainant is not producing evidence. Contrary to this, learned counsel appearing on behalf of opposite party no.2 submits that after enquiry, cognizance was taken in the year 2006



thereafter it took six years in securing appearance of all the accused thereafter case was fixed for evidence before charge and petitioners and others have cheated the complainant and money deposited in the non-banking organization of the accused persons have been misappropriated.

4. Having considered the rival submissions and on perusal of the records, this Court does not find any ground for quashing the entire criminal proceeding of the complaint case. However, considerable delay has been caused so the trial court is directed to expedite the trial in accordance with law and the court below will not grant any unnecessary adjournment and preferably the trial be concluded within a period of six months and the complainant as well as the accused persons will cooperate in the trial.

5. The quashing application stands disposed of with above direction.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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