

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.51824 of 2016**

Arising Out of PS.Case No. -55 Year- 1995 Thana -DAUDNAGAR District- AURANGABAD

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1. Sidhnath Ram son of Jhulan Ram
  2. Ram Dhani Ram son of Saguni Ram
  3. Bipat Ram son of Saguni Ram
  4. Lal Mohan Ram son of Dhani Ram
  5. Bhagwan Yadav son of Late Charitar Yadav
  6. Brajesh Singh son of Ram Briksh Singh
  7. Dhananjay Singh son of Bhagwan Das
  8. Birender Yadav @ Birender Kumar Sinha son of Bhagwan Yadav.

All residents of village- Bhagwan Bigha, Police Station- Daudnagar, District- Aurangabad.

.... .... Petitioners

Versus

1. The State of Bihar
2. Siya Ram Prasad son of Ram Chandra Ram, resident of village- Bhagwan Bigha, Police Station- Daudnagar, District- Aurangabad.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate  
: Mr. Ram Pravesh Nath Tiwari, Advocate  
For the State : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL JUDGMENT

**Date: 24-11-2017**

**I. A. No. 2333 of 2017**

After some arguments, Mr. Krishna Prasad Singh, learned Senior Advocate, who has filed the present interlocutory application, seeks leave to withdraw the present interlocutory application.



2. Leave is granted.

3. The interlocutory application is dismissed as withdrawn.

**Cr. Misc. No. 51824 of 2016**

4. This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed for quashing the order dated 27.10.2016 passed by the learned Additional Sessions Judge-VI, Aurangabad in Sessions Trial No. 92 of 2016 arising out of Daudnagar P. S. Case No. 55 of 1995 whereby he has rejected the petition dated 18.10.2016 filed by the petitioners for staying the trial.

5. The petitioners have been made accused in Daudnagar P. S. Case No. 55 of 1995, which was registered initially for the offence as punishable under Sections 147, 148, 149, 307, 324, 323 and 341 of the Indian Penal Code. Subsequently, as the injured died, Section 302 of the Indian Penal Code was also added in the first information report. Charges against the petitioners were framed on 03.09.2001. The examination of witnesses commenced on 10.12.2001 and the prosecution evidence was closed on 24.03.2014. Thereafter, the statement of the accused was recorded under Section 313 of the Cr.P.C. on 27.03.2014. Between 04.04.2014 and 03.01.2015, the trial was adjourned for examination of the defence witnesses and, on 21.01.2015, the defence evidence was closed fixing the case on 27.01.2017 for arguments. After the prosecution closed



its argument, the defence filed an application seeking stay of the trial on the ground of non-compliance of Section 207 of the Cr.P.C. The said petition filed on behalf of the defence was dismissed by the trial court, vide impugned order, dated 27.10.2016.

6. Learned counsel for the petitioners has tried to impress upon the court that certain documents were not supplied to the accused persons before framing of charges. He submitted that the trial court erred in rejecting the prayer made on behalf of the defence, as the provisions prescribed under Section 207 of the Cr.P.C., are mandatory in nature. He submitted that non-compliance of Section 207 of the Cr.P.C. would vitiate the entire trial and, thus, it is incumbent upon the court to ensure that before the trial commences, the accused persons are supplied all the necessary documents, as mentioned in Section 207 of the Cr.P.C.

7. Learned counsel for the State vehemently opposed the prayer of the petitioners. He submitted that the plea taken by the petitioners is not sustainable in law. He contended that the belated application filed by the defence at the stage when the defence had to advance its argument and the court had to deliver its judgement, is nothing but a ploy to delay the trial and defeat the ends of justice.

8. I have heard learned counsel for the parties and carefully perused the record.



9. I find force in the submissions made by the learned counsel for the State. From the order impugned, it is manifest that the counsel for the defence had received all the necessary documents and had made endorsement on the trial court record that the necessary documents required to be supplied under Section 207 of the Cr.P.C. have already been supplied. The belated application filed on behalf of the petitioners before the trial court is totally misconceived. Apparently, the same has been filed in order to delay the trial.

10. As I do not find any merit in this application, it is dismissed. The trial court is directed to conclude the trial as early as possible, preferably within three months from the date of receipt of a copy of this order.

**(Ashwani Kumar Singh, J.)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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