

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54017 of 2013

Arising Out of PS.Case No. -197 Year- 2000 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Asha Devi Wife Of Sri Murari Rai Resident Of Lakho, P.S.- Mufassil, District- Begusarai
 2. Ram Sagar Rai Son Of Bigan Rai Resident Of Chakia P.S. Barauni (Chakia), O.P.- Chakia (Thermal Power, Brauni), District- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr. M.M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date: 16-05-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the Trial Case No. 2355 of 2010, arising out of G.R. Case No. 1628 of 2000/Mufassil P.S. Case No. 197 of 2000, which is pending for the last 13 years in the Court of learned B.B. Rai, Judicial Magistrate, 1st Class, Begusarai.

It has been submitted on behalf of the petitioners that the case is pending for evidence but no witness is turning up. Nobody even appears on behalf of the prosecution. The accused persons are only appearing in the Court on each date. The certified copy of the up-to-date order-sheet has been produced



which supports the assertions made by the counsel for the petitioners.

Since the case is already fixed for evidence, this Court does not find any cogent ground to quash the entire proceeding only on the ground that the same is pending for more than 13 years. However, at the same time, this Court feels to observe that it is the duty of the Trial Court to conclude the trial of old case on priority within the fixed time frame and as per direction send by this Court from time to time.

From the up-to-date order-sheet, it appears that only accused persons are appearing and mechanical orders are being passed by the Court below without taking any steps for appearance of the witnesses in the Court.

In such circumstances, this criminal miscellaneous application is disposed of with a direction to the Trial Court to take up the trial of this case on day to day basis on priority and make efforts to conclude the same as early as possible, positively within a period of nine months from the date of receipt/production of a copy of this Court. The Court below will send the compliance report to this Court after disposal of the case. The Court below, in the event of not disposing the case within the aforesaid period will send reason to this Court for not disposing



the case within the aforesaid period.

This quashing application is accordingly
disposed of.

(Sanjay Priya, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22/05/2017
Transmission Date	22/05/2017

