

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16710 of 2010

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Gyandeo Sharma son of Late Shukdeo Sharma, resident of Mohalla -Boring Road adjacent to IBP Petrol Pump, P.S.-Sri Krishnapuri, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar son of Late Harvansh Lal Grover, resident of Boring Road in front of IBP Petrol Pump, Patna-1

.... Opposite Party/s

with

Criminal Miscellaneous No.16712 of 2010

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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Amar Jyoti Sharma son of Gyandeo Sharma, resident of Mohalla -Boring Road, P.S.-Sri Krishnapuri, District-Patna.

.... Petitioner/s

Versus

- 1.The State of Bihar
2. Arun Kumar son of Late Harvansh Lal Grover, resident of Boring Road in front of IBP Petrol Pump, Patna-1

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.16710 of 2010)

For the Petitioner/s	: Mr. Bindhyachal Singh, Advocate
	: Ms. Soni Shrivastava
For the State	: Mr. Sangeeta Sharma, APP
For the Opposite Party No.2	: Mr. S.S.Thakur, Advocate
	: Mr. Arbind Kumar

(In Cr.Misc. No.16712 of 2010)

For the Petitioner/s	: Mr. Bindhyachal Singh, Advocate
	: Ms. Soni Shrivastava
For the State	: Mr. Sangeeta Sharma, APP
For the Opposite Party No.2	: Mr. S.S.Thakur, Advocate
	: Mr. Arbind Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

14 12-10-2017 Since both these applications arise out of common

FIR, they have been heard together and are being disposed of by a



common order.

The challenge in these two applications filed under Section 482 of the Code of Criminal Procedure is mainly to the order taking cognizance on 06.07.2007 passed by the learned Chief Judicial Magistrate, Patna in S.K. Puri P.S. Case No.52 of 2003. The said order dated 06.07.2007 was also challenged by the petitioner Gyandeo Sharma in Cr. Revision No.466 of 2007 which was dismissed by the learned ADJ-VII, Patna vide order dated 16.04.2010 in Cr. Misc. No.16710 of 2010. The petitioner Gyandeo Sharma has challenged the aforesaid revisional order dated 16.04.2010.

It is submitted by Mr. Bindhyachal Singh, learned counsel for the petitioners that in these two cases almost all non-official charge-sheet witnesses have died and thus no useful purpose would be served by putting the petitioners on trial.

He further submitted that entire case of the prosecution is based on documentary evidence, but in course of investigation no document has been collected in support of the charges. He submitted that the police report submitted under Section 173(2) of the Code of Criminal Procedure before the court does not contain list of documents on the basis of which prosecution intends to prove its case.



As the Court expressed its opinion that such plea can be looked into by the Court of Magistrate at the stage of framing of charge, learned counsel for the petitioners sought leave to withdraw these applications in order to raise all the points including the point of non-availability of any documentary evidence on record before the trial Magistrate at the stage of framing of charge.

Leave is granted.

These applications are disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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