

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2358 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -HATHUA District- GOPALGANJ

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1. Aswini Kumar @ Pappu @ Ashwani Kumar, Son of Late Braj Bhusan Prasad
2. Rekha Devi, Wife of Ashwani Kumar Both are residents of Village- Hathuwa near Mahavir Mandir, P.S.- Hathuwa, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kunti Devi, Wife of Sachidanand Prasad, Resident of Village- Hathuwa, P.S.- Hathuwa, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 22-05-2017

Heard learned counsel for the parties.

The present application has been filed for quashing the order dated 23.11.2015 passed by the learned Sessions Judge, Gopalganj in Hathuwa P.S. Case No. 103 of 2015 (S.T. No. 417 of 2015) whereby the petitioners' application under section 228(1)(a) Cr.P.C. for getting the trial conducted by the learned Magistrate as the case is not exclusively triable by the Court of Sessions since no case under section 307 IPC is made out.

Learned counsel for the petitioner very fairly submits that after framing of charge, witnesses have been examined.



Due to change of stage of the proceeding, this application has become infructuous, hence, this court is not inclined to interfere in this matter.

However, this application is disposed of with a liberty to the petitioner to raise his contention during trial to the effect that no case under section 307 IPC is made out, which may be decided on its own merits and in view of the provision of law.

(Dinesh Kumar Singh, J)

Anil/-

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