

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14546 of 2016

Arising Out of PS.Case No. -188 Year- 2011 Thana -BODHGAYA District- GAYA

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1. Gopal Paswan, S/o Late Baijnath Paswan, Resident of Village- Chauraha Tola- Nima, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rupa Devi W/o Gopal Paswan, Resident of Village- Chauraha, Tola- Nima, P.S.- Bodh Gaya, District- Gaya, at present village- Tika Bigha, P.S.- Bodh Gaya, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-04-2017

Heard learned counsel for the parties.

The present application has been filed for quashing the order dated 7.12.2015 passed by the learned Judicial Magistrate, Gaya in Bodh Gaya P.S. Case No. 188 of 2011 (Tr. No. 815 of 2015) whereby the petitioner's application under section 227 Cr.P.C. for discharge, has been rejected.

I.A. No. 2250 of 2016 has been filed on 29.11.2016 for amendment of the prayer made in this application only to the extent that the charges have been framed but the prosecution is not producing any witnesses, hence a petition was filed for closing the prosecution evidence on 27.7.2016 but no order has been



passed on the said petition.

Hence, it appears that the main prayer for quashing of order refusing to discharge the petitioner has become infructuous as subsequent to filing of discharge petition, an application has been filed on behalf of the petitioner praying therein to close the prosecution evidence.

In the circumstances, the counsel for the petitioner confines his prayer for a direction to the learned court below to dispose of the application filed for close of the evidence.

It is expected from the learned court below to dispose of the petition of the petitioner after giving appropriate opportunity to the parties within a period of two weeks from the date of receipt/production of a copy of this order.

This application is accordingly disposed of.

(Dinesh Kumar Singh, J)

Anil/-

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