

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.93 of 2017

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

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Sheoji Prasad Gupta, Son of Late Binshnu Sah, Maya Mahal Karimchak, P.O. -
Sahebganj, P.S. - Sahebganj, District - Saran, Chapra, At present C/o Savitri Devi
Mohalla - Mathiagirat Chauk, P.O - Motihari, P.S. - Chatauni, Distt - East
Champanan

.... Petitioner

Versus

1. The Union of India through the Chief Commissioner (Custom) Eastern Central Revenue Building, Bir Chand Patel Path, Patna, P.S - Kotwali, Patna.
2. The Commissioner Custom, Central Revenue Building Birchand Patel Path, Patna, P.S - Kotwali, Patna
3. The Joint Commissioner Custom, Central Revenue Building Birchand Patel Path, Patna, P.S - Kotwali, Patna
4. The Deputy Commissioner Custom, Muzaffarur.
5. The Deputy Commissioner Custom, Custom House, Raxaul, East Champaran.
6. The Assistant Collector, Custom, Land Custom Station, Raxaul, East Champaran.
7. The Commissioner Appeals, Customs and Excise, Revenue Building, Patna.
8. The Custom Inspector Cum Seizure Officer, Land Custom Station Raxaul, East Champaran

.... Respondents

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Appearance :

For the Petitioner : Mr. Sheoji Prasad Gupta (In Person)
For the Respondents : Mr. Satya Prakash Tripathy, Sr. S.C., Customs
Mr. Satya Vrat, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2017

The petitioner is accused in connection with Custom Case No. 07 of 1990 corresponding to Trial No. 120 of 2011 whereunder the petitioner and others have been convicted and sentenced to imprisonment.

The petitioner has challenged the aforesaid conviction and sentence in Cr. Appeal No. 35 of 2011 which is pending before the learned 14th Additional Sessions Judge, Muzaffarpur. During pendency of aforesaid criminal appeal, the petitioner filed a petition under Section 340 of the Code of Criminal



Procedure before the learned appellate court. That petition is still pending.

The grievance of the petitioner in this writ application is to direction to the learned 14th Additional Sessions Judge, Muzaffarpur where Cr. Appeal No. 35 of 2011 is pending to dispose of the petition filed under Section 340 Cr.P.C. at the earliest preferably within two months.

Heard leaned Senior Standing Counsel for the Custom Department who are respondent herein. They are ready to cooperate in early disposal of the said petition.

In the circumstances, it is directed that the learned 14th Additional Sessions Judge, Muzaffarpur or wherever the aforesaid criminal appeal is pending shall dispose of the pending petition filed under Section 340 Cr.P.C. preferably within two months from the date of receipt/production of a copy of this order.

With the aforesaid observation, this writ application stands disposed of.

Let the lower court record be sent back.

The learned lower appellate court is expected to dispose of the appeal also at the earliest.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	21.07.2017
Transmission Date	21.07.2017

