

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.90 of 2015

Madhuresh Singh @ Madhuresh Kumar @ Sanjayanand, son of Late Ramanand Prasad singh, residing in Ramashray Nagar, Dalsingsarai, Police Station Dlasingsarai, District Samastipur, at presnt, Plot No. T667, Lohianagar, Kankarbagh, Police Station Kankarbagh, Patna-20

.... Petitioner

Versus

1. The State of Bihar
2. Hareram Choudhary, son of Late Bangali Choudhary, resident of village Soyera, Dalsingsarai, Police Station Dalsingsarai, District Samastipur

.... Respondents

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar

For the Respondent/s : Mr. B. N. Panday (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 03-03-2017 Heard learned Counsel for the parties
concerned.

The petitioner has challenged an order, dated 23.12.2014, passed by learned Judicial Magistrate, 1st Class,, Dalsingsarai, Samastipur, in C. R. No. 221 of 1992/Trial No. 327 of 2014, whereby he has dismissed the petitioner's application, under Section 245 of the Code of Criminal Procedure for his discharge.

It appears that subsequent to passing of the order, dated 23.12.2014, the trial has progressed in the Court below substantially and the prosecution witnesses have already been examined.



In such circumstance, in my view, this application has become infructuous.

Learned Counsel for the petitioner has submitted that the petitioner is being harassed inasmuch as he is compelled to appear before the Court at Dalsingsarai, Samastipur, on each and every date fixed for his appearance in the light of an order passed by this Court and the prosecution is unnecessarily delaying the trial by making one plea or the other.

The petitioner will be at liberty to raise this plea in appropriate proceeding.

This application is, accordingly, disposed of with the observation, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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