

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.282 of 2015

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1. Arun Mahto, S/o Chaneshwar Mahto

2. Bhagwan Mahto, S/o Jayram Mahto

Both are residents of village- Ajmerganj, P.S.- Revilganj, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

2. Rameshwar Rai, Son of Achhaibar Rai, Resident of village- Ajmer Ganj, P.S.-
Revilganj, District- Saran at Chapra.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Respondent/s : Mr. Ashraf Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 16-03-2017

Heard the parties.

2. The petitioners' application for their discharge, under Section 227 of the Code of Criminal Procedure, has been rejected by an order, dated 27.01.2015, passed by the learned Additional Sessions Judge-VIII, Saran at Chapra, in Sessions Trial No. 259 of 2012, arising out of Revilganj P.S. Case No. 140 of 2011, which is being assailed in the present criminal revision application. The said Revilganj P.S. Case No. 140 of 2011 has



been registered for the offence punishable under Sections 341, 323, 325, 379 and 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioners has made two submissions. Firstly, he has submitted that nothing incriminating was collected in course of investigation to suggest petitioners' involvement in commission of the offence. He has secondly submitted that the case is unnecessarily pending for last several years and had the trial proceeded, the petitioners would have been acquitted since there is no evidence to establish their participation in commission of crime.

4. Considering the fact that the order rejecting application, under Section 227 of the Code of Criminal Procedure, was passed in January, 2015, I do not feel inclined to interfere with the said order after more than two years, particularly when charges have already been framed. So far as non-conclusion of trial is concerned, the petitioners appear to be having a genuine grievance. Speedy trial has been held to be one of the important tenets of fundamental right of an accused under Article 21 of the Constitution of India.

5. Considering the facts and circumstances and submissions advanced on behalf of the petitioners, this application is disposed of with an observation that the trial before the court



below be expedited and concluded preferably within a period of six month from the date of production/receipt of a copy of this judgment.

6. The application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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