

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41931 of 2015

Arising Out of PS.Case No. -744 Year- 2011 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Bablu Kumar @ Bablu Singh son of Ashok Singh
 2. Shatrughan Kumar Singh @ Satrugan Kumar, son of Late Rajkumar Singh
 3. Rinku Singh @ Rinku KUMar son of Ashok SIngH
 4. Ashok Singh, son of Late Satki Singh All are residents of village- Chakbara, P.S.- Hajipur Town, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Ram, son of Deo Sharan Ram, resident of village- Chakbara, P.S.- Hajipur Town, District- Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mauli Chaurasia

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 01-05-2017

Heard learned counsel for the petitioners and

Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for quashing the order dated 21.07.2015 passed in Trial No. 431 of 2015 arising out of Hajipur Town P.S. Case No. 744 of 2011 whereby the learned 1st Additional Sessions Judge –cum- Special Judge, Vaishali at Hajipur rejected the petitioners’ petition dated 09.12.2014 filed under Section 228(1)(a) Cr.P.C. with a prayer for remitting the matter to the court of learned Chief Judicial Magistrate since the case is not exclusively triable by Court of



Sessions. Though the FIR was registered under Sections 147, 323, 341, 504 and 506 IPC and Section 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Though on conclusion of investigation final form (charge sheet) was submitted under the same provisions of IPC and SC/ST Act but no case under SC/ST Act is made out which is only charge triable by Court of Sessions.

It is very fairly submitted by learned counsel for the petitioners that during pendency of the present quashing application the charges have been framed against the petitioners and trial has commenced.

In view of the changed stage of the trial, this Court is not inclined to interfere. Accordingly, this application is disposed of with liberty to the petitioners to raise all the contentions during trial.

(Dinesh Kumar Singh, J)

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