

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21994 of 2015

Arising Out of PS. Case No.-3 Year-2010 Thana- DARIHAT District- Rohtas

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1. Rinki Devi W/o Santosh Upadhyaya Resident of Village Maudiha, P.S. Darihat, District Rohtas
 2. Nitu Devi @ Neetu Kumari W/o Arun Upadhyaya Resident of Village Maudiha, P.S. Darihat, District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Madhu Devi W/o Sanjay Upadhyaya Resident of Village Maudiha, P.S. Darihat, District Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantanu Kumar
For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 10-04-2018

This application has been filed for quashing the order dated 23.12.14 passed by the learned Additional Sessions Judge-V, Rohtas at Sasaram in Sessions Trial no. 247 of 2010 by which he has summoned both the petitioners to face trial under Section 319 of the Cr. P.C.

Heard learned counsel for the petitioner.

A report was called for from the learned Court below which has been received. From perusal of the report, it appears that after passing of the impugned order the charge has already framed against both these petitioners by order dated 24.07.15 for the offence under Sections 308/34, 341/34, 323/34, 504,



325/34, 342/34 of the IPC. The learned Sessions judge has mentioned in the report that out of ten witnesses, three witnesses have been examined and cross examined. Process has been issued against rest witnesses for their appearance. Therefore, this Court finds that charge has already been framed against the petitioners and witnesses have already been examined. Therefore, this Court, at this stage, does not deem it proper to interfere with the impugned order.

This Cr. Misc. petition is accordingly dismissed. The Court below is directed to proceed with trial in accordance with law.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.4.2018
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