

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 63522 of 2017

Arising Out of PS. Case No.-154 Year-2002 Thana- Kaji Muhammadpur District-
Muzaffarpur

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Manish Kumar S/o Late Arjun Choudhary, R/o Village- Kanhauli, Near
B.M.P.-6, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand
For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 03-01-2018 Heard Sri Chandra Shekhar Anand, learned counsel for
the petitioner and Sri Anant Kumar, learned Addl. Public
Prosecutor.

2. The sole petitioner, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”), has prayed for quashing of an order dated 20-09-2017 passed by the learned Additional Sessions Judge, Fast Track Court No. 2, Muzaffarpur (hereinafter referred to as the ‘Trial Judge’) in Sessions Trial No. 684 of 2011 (arising out of Kazimohammadpur P.S. Case No. 154 of 2002). By the said order, the learned Trial Judge has rejected the petition filed under Sections 227 and 228 of the Cr.P.C. on behalf of the petitioner.



3. In the present petition, the petitioner has prayed either to discharge him from all the charges or remit back the matter to the court below on the plea that Section 307 of the Indian Penal Code was not applicable and case was to be tried by the court of Magistrate, not by the court of Addl. Sessions Judge.

4. Learned counsel for the petitioner tried to persuade the Court that in this case, there is no injury and as such, there was no question of application of Section 307 of the Indian Penal Code, whereas, learned Addl. Public Prosecutor submits that in the case, cognizance order was passed under Section 307 & other allied sections of the Indian Penal Code as well as Sections 25(1-B)A, 26, 27, 35 of the Arms Act, 1959. It has been argued by learned Addl. Public Prosecutor that once in a case, arm was used, it is not necessary whether one receives injury or not. A shot fired from a fire-arm amounts to application of Section 307 of the Indian Penal Code.

5. Besides hearing learned counsel for the parties, I have also perused materials available on record, particularly the impugned order. After going through the same, I do not find any apparent error warranting interference.

6. On examination, it appears that in the case, F.I.R. was lodged in the year 2002 itself and still the case is at the stage of



charge. Accordingly, while dismissing the present petition, it is desirable to observe that the learned Trial Judge may take appropriate step so that the case may come to its logical end without unnecessary delay.

7. The petition stands dismissed with above observation.

8. Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J.)

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