

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.9 of 2003

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

=====

Arun Paswan son of Ramrup Paswan, resident of Bochahi, P.S. Munger (M),
district – Munger.

.... Appellant

Versus

State of Bihar

.... Respondent

=====

Appearance :

For the Appellant : Mr.

For the Respondent : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA

ORAL JUDGMENT

Date: 01-05-2018

1. This appeal is preferred under Section 351 of the Cr.P.C. against the order dated 19.1.2002 passed by the learned Sessions Judge, Rohtas at Sasaram by which a Criminal Miscellaneous case was ordered to be registered against the appellant under title “State-Vrs.- S.I. Arun Paswan of Bikramganj Police Station respondent” and the date of hearing for miscellaneous case was fixed on 28.1.2002.

2. It appears from perusal of the record that in this case diary was called for by the learned Sessions Judge vide order dated 21.12.2001 and later on, on the request of the learned P.P. the case was fixed on 16.1.2002 for hearing and on 16.1.2002 also the case diary was not produced and after a show cause notice issued under Section 349 of Cr.P.C. as to why he should not be committed to prison for seven days for not producing the case diary. It further appears that thereafter the explanation was received on 19.1.2002 and proceeding under Section 349 of the IPC was directed to be registered



and miscellaneous case was registered and the case was posted for hearing on 28.1.2002.

Learned counsel for the appellant has assailed the judgment and he has already been directed to remain present till the court rise at 4.30 P.M., vide order dated 19.1.2002 and as such action started under Section 349 of Cr.P.C. is just and proper and amounts to put him under double jeopardy as he has already been sentenced earlier as such order dated 19.1.2002 is not sustainable in the eye of law.

However, from perusal of the order it appears that in this case miscellaneous case was registered vide order dated 19.1.2002 and no further order has been passed in this case be that as it may it appears that this appeal is premature, as such I find no merit in this appeal.

Hence, it is dismissed.

(Vinod Kumar Sinha, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.05.2018
Transmission Date	04.05.2018

