

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6595 of 2016

Arising Out of PS.Case No. -55 Year- 2008 Thana -ARARIA District- ARRARIA

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Md. Aslam

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar-Advocate

For the Opposite Party/s : Mr. Ram Chandra Sahni-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 26-10-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Seen the report submitted by the learned lower Court
wherefrom it is evident that petitioner happens to be defiant one,
who declined to appear before the learned lower Court after order
of cognizance as a result of which, has forced the learned lower
Court to sit idle without any development. On the other hand, has
challenged the order of the cognizance dated 07.08.2014, whereby
and whereunder petitioner has been summoned to face trial for an
offence punishable under Section 467, 468, 471, 420, 120B of the
I.P.C. as well as Section 7 of the E. C. Act

Because of the fact that petitioner along with one
Rajendra Prasad happens to be the Government Servant, on
account thereof, learned lower Court will take proper step as



provided under law in getting appearance of the petitioner and others. Side by side, the learned Appellate Court 1st Additional Sessions Judge, Araria is directed to dispose of Cr. Appeal No.6/31-2009, within two months and for that, the District & Sessions Judge, Araria is directed to pursue the matter and will submit a report after disposal of the aforesaid Criminal Appeal with a further effort that original L. C. Record is properly received at the end of the learned lower Court.

Learned counsel for the petitioner while referring Annexure-2, 3, 4 series, has submitted that neither he was incharge of the relevant godown, nor had got any concern. Moreover, with regard to activity of C. P. Yadav, the Manager of the Godown, he had already intimated the District Magistrate and then thereafter, he has been made an accused in this case.

On the other side, learned Additional Public Prosecutor opposed the same.

Gone through the record. The plea of defence, is a matter of trial. At the present stage that goes out of consideration as held by the Hon'ble Apex Court in *State of Orissa vs. Debendra Nath Padhi reported in 2005 (1) SCC 568*.

Giving liberty to the petitioner to have those



documents properly placed in his defence. If he so desires, for the present, considering the nature of the allegation in consonance with the order impugned did not require interference.

Accordingly, instant petition is rejected.

(Aditya Kumar Trivedi, J)

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