

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28014 of 2017

Arising Out of PS.Case No. -14 Year- 2012 Thana -HATHAURI District- MUZAFFARPUR

=====

Akhilesh Rai son of Mahesh Rai, resident of vill- Paramjiver, P.S.- Hathauri,
District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Smt. Sharda Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-05-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 13.04.2017 passed in Session Trial No. 757 of 2012, arising out of Hathauri P. S. Case No. 14 of 2012 whereby the learned Session Judge has rejected the prayer of the petitioner to amalgamate some other session trials arising out of the same police station case with the case of the petitioner.

2. Learned counsel for the petitioner submitted that there are five session trials arising out of Hathauri P. S. Case No. 14 of 2012 and in the interest of justice, it is required that the trial of all those cases be held together. He submitted that the impugned order rejecting the application of the petitioner for amalgamation of



session trial nos. 757 of 2012, 181 of 2013, 275 of 2013, 712 of 2013 and 536 of 2016 is wholly illegal and unsustainable in the eyes of law as the learned Session Judge has failed to appreciate that multiplicity of litigation is not going to cause any benefit either to the accused or to the prosecution and the same witnesses will be asked to appear again and again in different session trials.

3. The submission made on behalf of the petitioner has been contested by the learned counsel for the State and learned counsel for the informant.

4. Learned counsel for the informant submitted that in the case of the petitioner, the trial is at its fag end. All the prosecution witnesses have been examined and even the statement of accused under Section 313 of the Code of Criminal Procedure has been recorded. After closure of the prosecution case, the case has been fixed for defence evidence and on behalf of the defence also five witnesses have already been examined. He submitted that in other session trials, either the case is pending for appearance of the accused or for framing of charges. He submitted that keeping in mind the different stages of different session trials, learned court below has rightly rejected the prayer of the petitioner.

5. Having heard the contentions advanced on behalf of the parties, this Court is of the view that no prejudice would be



caused to the petitioner if his trial is brought to its logical end. Attempt of the petitioner to get the case amalgamated is just in order to delay the trial and defeat the ends of justice. In case, other session trials are amalgamated, a *de novo* trial would once again commence and nobody knows that such trial could continue for how many years. The court below, after appreciating the stage of the case of the petitioner, has rightly rejected the prayer of the petitioner for amalgamation of trial.

6. The application is devoid of any merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2018
Transmission Date	14.05.2018

