

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36020 of 2015

Arising Out of PS.Case No. -354 Year- 1985 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Narmdeshwar Panday Son of Late Satya Narayan Pandey resident of
village - Pandey Patti, P.S. Buxar Muffasil, at Pandey Patti, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Raghunandan Yadav Son of Bangali Yadav resident of village -
Haripur, P.S. Salakhua, District - Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner for quashing the order dated 14.05.2015 passed by the learned Additional Sessions Judge-II, Saharsa in Sessions Trial No. 98 of 2007 arising out of Complaint Case No. 354C of 1985 by which the petition for discharge filed by the petitioner under Section 227 of the Cr.P.C. has been dismissed as not pressed.

It is submitted by the learned counsel for the petitioner that the petitioner had unwillingly not pressed the application filed under Section 227 of the Cr.P.C. before the court below.



The plea taken by the petitioner cannot be accepted. The petitioner had earlier challenged the order of cognizance in revision before the court of Sessions, which was dismissed whereafter he filed an application under Section 482 of the Cr.P.C. before this Court, which was dismissed as withdrawn. At the stage of framing of charge, he filed an application under Section 227 of the Cr.P.C. before the court below.

Perusal of the impugned order dated 14.05.2015 would make it manifest that the petitioner made a request before the court below that he does not intend to press the application and, thus, the application filed under Section 227 of the Cr.P.C. was dismissed for want of prosecution and charges were framed against him way back in the month of May, 2015.

I see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

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