

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33429 of 2015

Arising Out of PS.Case No. -195 Year- 2012 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Amrish Tiwary @ Amrish Tiwary son of Late Shiv Murat Tiwary, resident of
Mohalla- Nonar, P.O.- Chhewari, P.S.- Rammgarh, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. Jai Nath Yadav son of Late Ram Kishun Yadav, resident of Mohalla- Nonar,
P.O.- Chhewari, P.S.- Rammgarh, District- Kaimur (Bhabhua)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Shrivastava, Advocate
For the Opposite Party No.2 : Mr. Vivekanand Singh, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-01-2018

Heard learned counsel for the petitioner, learned counsel for
opposite party no.2 and learned counsel for the State.

2. Initially, in the present application filed under Section
482 of the Code of Criminal Procedure, the challenge is to the order
dated 09.06.2015 passed by the learned Sessions Judge, Kaimur at
Bhabua in connection with Sessions Trial No.459 of 2014 whereby
the petition for discharge filed under Section 227 of the Cr.P.C. was
dismissed, but it is admitted that during the pendency of the
application charges under Sections 302/34 and 201 of the Indian Penal
Code have been framed and four witnesses on behalf of the
prosecution have also been examined.



3. It is well settled that once charges are framed and the witnesses are examined, the case is either to end in acquittal or conviction on completion of trial. At this stage, an application filed under Section 482 of the Cr.P.C. cannot be entertained.

4. In that view of the matter, the application is dismissed as infructuous.

5. However, the petitioner would be at liberty to raise all the points available to him at the stage of final argument in the criminal trial.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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