

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2170 of 2016

Arising Out of PS. Case No.-10 Year-2010 Thana- C.B.I CASE District- Patna

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Padmanand Singh Azad S/o Late Tarni Prasad Singh, Resident of Village-Garhi Rampur, P.S.- Muffasil, District- Munger. at present C/o Saumitra Azad, P703, Jalvayu Vihar Phase-2, Sector-20, Kharghar, Navi Mumbai-410210

... .. Petitioner/s

Versus

The Union of India through (CBI) S.P./ACB/Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh

For the Opposite Party/s : Mr. Sanjay Kumar SC CBI

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 12-09-2018

This petition under Section 482 Cr. P. C. has been filed for quashing the order dated 9.10.2015 passed by the learned Special Judge, CBI, 1st Patna in Special case no. 7 of 2011 arising out of RC Case no. 10A/11 by which learned Special Judge has dismissed the discharge petition of the petitioner.

Heard learned counsel for the petitioners, State and the C.B.I.

Learned counsel for the C.B.I. has submitted that charge has already been framed in this case. This Court by order dated 3.2.2017 has directed the lower Court to transmit the format of the charge dated 30.11.2015 as well as 18.6.2016 in sealed cover which has been received.



From perusal of the format of the charge it appears that charge has been framed against these petitioners and other accused persons on 31.3.2016. The petitioner has brought on record the order dated 18.6.2016 by way of filing interlocutory application being I.A. No. 1645 of 2016 wherein it is mentioned by the trial Court that due to inadvertence the order dated 31.3.2016 was not written on the order sheet which could be located only when the demand for certified copy of the aforesaid order was made. The Court below has mentioned in the order dated 18.6.16 that the aforesaid order has subsequently been incorporated on 18.6.2016 about framing of charge against the accused persons on 31.3.2016.

Learned counsel for the petitioner has submitted that as per his instruction some of the witnesses have also been examined. This court finds that proper charge has already been framed in this case and trial has proceeded. There is some irregularity in order sheet which has subsequently been removed. The trial of the accused will not vitiate for such irregularity in the order sheet.

This Cr. Misc. petition is, accordingly, dismissed.

The Court below will proceed in the case in accordance with law.



The petitioner is given liberty to raise all the points, as raised in the present application, at the appropriate stage of trial which shall be considered by the learned court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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