

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45767 of 2014

Arising Out of PS.Case No. -2252 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

- =====
1. Mohammad Tabrez @ Md. Tabrez Alam, son of late Mohd. Reyaz, resident of Mohalla- Mansha Tola, P.O. & P.S.- Bettiah Mufassil, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheikh Muslim, son of late Sheikh Lal Mohammad, resident of Mohalla - Mansha Tola, P.O. & P.S. - Bettiah Mufassil, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 09-07-2018

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 08.08.2014 passed by the learned Judicial Magistrate, 1st Class, Bettiah, West Champaran, in Complaint Case No. 2252 (C) of 2013 by which the learned Magistrate after holding enquiry has found *prima facie* case against the petitioners for the offence under Section(s) 323 and 506 of Indian Penal Code.

Heard counsel for the parties.

Xerox copy of the entire order sheet along with a report about the present stage of the case has been received from the Court below. The learned Magistrate has mentioned in the report that case



was fixed for final argument on 22.05.2018. The Complainant has filed a petition under Section 311 Cr. P. C. and, now, the case is pending for filing rejoinder.

Learned counsel for the petitioner has submitted that the Complainant is only adopting harassing attitude. He is not producing witnesses. Prosecution case was closed and case was fixed for argument. Thereafter, the Complainant filed a petition under Section 311 Cr.P.C. The Complainant earlier also filed a petition under Section 311 Cr. P. C., which was allowed on 30.03.2017 subject to deposit of cost by the Complainant. The Complainant did not deposit the cost and, thereafter, again the case was closed and date was fixed for final argument. Thereafter, a fresh petition under Section 311 Cr. P. C. has been filed by the Complainant on 22.05.2018 and matter is pending for filing rejoinder by the petitioner.

The counsel for petitioner has submitted that the Complaint Petition filed by the complainant is totally malicious prosecution. There is land dispute between the parties. The petitioner has filed Title Suit against the Complainant in the year 2012. Thereafter, in retaliation, instant case has been filed by the complainant.

This Court after perusing Xerox copy of entire order sheet finds that no serious steps have been taken by the Complainant



for disposal of the case. The Court below also in mechanical manner adjourned the case after filing petition under Section 311 Cr.P.C.

Since the case is at final stage of argument, this Court is not inclined to interfere with the impugned order of cognizance passed by the Court below.

This application is, accordingly, disposed off with direction to Court below to dispose of the case finally, in accordance with law, within a period of two months from the date of receipt of this order without giving unnecessary adjournment to the Complainant.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16-07-2018
Transmission Date	16-07-2018

