

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18193 of 2017

Arising Out of PS.Case No. -332 Year- 2016 Thana -CHAPRA TOWN District- SARAN

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Sachin Prakash Son of Dharm Prakash resident of mohalla Bhagwat Nagar
Main Road, Opposite Patliputra Hospital, Kumhrar, P.S. - Agamkuan,
District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Karuna Gupta W/o Sachin Prakash, D/o Late Pramod Kumar Gupta
resident of near Shiya Masjid, Dahiyawan, P.S. - Chapra Town, District -
Chapra (Saran).

.... Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 29-10-2018

The petitioner is seeking quashing of the order dated 27.02.2017 passed by the Court of learned S.D.J.M., Chapra (Saran) in connection with Tr. No. 2497/17 arising out of Chapra Town P.S. Case No. 332/2016 under Section 498A of the Indian Penal Code.

This application cannot proceed for the simple reason that after taking cognizance and during pendency of the present application the charge has been framed. The facts disclosed in the supplementary affidavit also reveal that the petitioner had not filed any application in the court below seeking his discharge and if he had not filed any discharge petition in the court below, the court



below had no occasion to consider his submissions which are now being tried to convey to this court for the purpose of discharge. The petitioner having failed to avail his statutory remedy under the Code of Criminal Procedure in the regular court before the learned trial court, there is no reason to entertain the present application when the charge has already been framed.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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