

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1660 of 2018

Arising Out of PS. Case No.-63 Year-2003 Thana- DALSINGHSARAI District- Samastipur

Bhola Shankar, Son of Late Ram Lal, resident of Mohalla- Purani Bazar, P.S.-
Nawada (Town), District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Home Deptt., Bihar, Patna.
2. Sanjiv Kumar, son of Late Hari Narayan Lal,
3. Geeta Devi, wife of Late Hari Narayan Lal,
4. Shambhu Kumar, son of Late Hari Narayan Lal,
5. Soni Kumar, D/o. Late Hari Narayan Lal, all resident of Village- Chaklukman
Gudari Bazar, P.S.- Dalsingsarai, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan
For the Respondent/s : Mr. Md. Nadeem Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-10-2018 The only prayer which is being made in the writ application is to direct the Additional Sessions Judge III, Samastipur to conclude the trial of S. T. No. 612 of 2015 : 648 of 2014 by conducting hearing of the case on day to day basis.

Learned counsel for the petitioner submits that the case in question was instituted under Sections 304B of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act in the year 2003, the trial of the case begun in the year 2005 which has still not been concluded.

It is further submitted that even the witnesses of both the sides have already been examined and the case is pending for argument since 20.04.2016.



Learned counsel for the State is present.

In the given facts and circumstance of the case, this Court is of the considered opinion that the learned Trial Court cannot keep the trial of the year 2005 pending any more. Let the District and Sessions Judge, Samastipur look into the matter and in case it is found that the Presiding Officer of the court is not available, the record will be transferred to any court within a period of 15 days from the date of receipt/production of a copy of this order. The Presiding Officer of the court with whom the records is pending or will come on transfer shall hear the parties within a period of 45 days from the date of receipt of the order or transfer of the records as the case may be and shall dispose of it within a period of 60 days from the date of receipt of the order or transfer of the case.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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