

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.455 of 2019

Arising Out of PS. Case No.-213 Year-2014 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Maheshwar Singh Son of Late Jang Bahadur Singh Resident of Village -
Dumari, P.S.- Mufassil (Singhaul), Distt - Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through law Secretary, Government of Bihar, Patna
2. Janardan Singh Son of Late Shiv Nandan Singh Resident of Village -
Dumari, P.S.- Mufassil (Singhaul), Distt - Begusarai.
3. Rajnish Singh Son of Janardan Singh Resident of Village - Dumari, P.S.-
Mufassil (Singhaul), Distt - Begusarai.
4. Rajesh Singh Son of Janardan Singh Resident of Village - Dumari, P.S.-
Mufassil (Singhaul), Distt - Begusarai.
5. Rakesh Singh Son of Janardan Singh Resident of Village - Dumari, P.S.-
Mufassil (Singhaul), Distt - Begusarai.
6. Kari Yadav Son of Kajo Yadav Resident of Village - Dumari, P.S.- Mufassil
(Singhaul), Distt - Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh, Adv.
For the Respondent/s : Mr. Md. Raisul Haque, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 29-07-2019 Perused the report dated 15.07.2019 submitted by the

learned Additional District & Sessions Judge-10, Begusarai in

compliance with the order dated 09.07.2019 passed by this

Court. The report is not satisfactory.

It would be evident that though the case has been

fixed for defence evidence, after recording the statement of the

accused under Section 313 of the Code of Criminal Procedure

on 01.11.2017, no evidence has been adduced on behalf of the



defence. The learned Additional District & Sessions Judge-10 has also not taken any effective steps for proceeding ahead with the trial of the case. If the defence is not adducing evidence in spite of the opportunities given to them, the trial court cannot sit tight over the matter. It has to close the defence evidence and fix the case for argument and pass final judgment after hearing the parties. It appears that the trial court has forgotten its duty and is adjourning the case from one date to another mechanically without application of judicial mind.

In that view of the matter, I dispose of this application with a direction to the learned Additional District & Sessions Judge-10, Begusarai to take up the trial of Sessions Trial No. 38 of 2015 on day-to-day basis. He shall not grant more than three adjournments to the defence for adducing its evidence. If the defence fails to adduce evidence, the evidence of the defence should be closed and the case should be fixed for arguments. The trial court shall make endeavour to dispose of the trial expeditiously, preferably within two months from the date of receipt/production of a copy of the order.

With the aforesaid observations and direction, the writ petition is disposed of.

Let a copy of the order be communicated to the



learned Additional District & Sessions Judge-10, Begusarai
forthwith.

(Ashwani Kumar Singh, J)

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