

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10128 of 2015

Arising Out of PS. Case No.-245 Year-2011 Thana- KUCHAIKOTE District- Gopalganj

Mannu Pandey @ Abhimannu Pandey S/o Sri Anand Pandey, Resident of village- Baniya, Chapar, Police Station- Kuchaikote, District - Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Chandra
For the Opposite Party/s	:	None
For the State	:	Mr. Jharkhandi Upadhyay, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-02-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 (hereinafter referred
to as the 'Code') for the following relief:

*“That this is an application for
Quashing the Order dated 03.07.2012 passed by
Learned Chief Judicial Magistrate, Gopalganj by
which Cognizance of the offence against the
petitioner has been taken under section 302 and
328 of Indian Penal Code in connection with
Kuchaikote P.S. Case No.-245 of 2011 dated
14.11.2011.”*



4. Supplementary affidavit has been filed on behalf of the petitioner today bringing on record the copy of the order-sheet of Sessions Trial No. 337 of 2012.

5. Learned counsel for the petitioner submitted that without pressing the present application, his anxiety is that the trial in the Court is lingering for no fault or laches on the part of the petitioner and despite the prosecution evidence having been closed, after much delay, a petition under Section 311 of the Code was filed for allowing the doctor, who is said to have treated the deceased, to be examined. It was submitted that despite the Court having allowed the petition on 09.03.2018 and after that many dates having been fixed for such examination, the doctor has not appeared before the Court to record the evidence. Learned counsel submitted that the same is causing prejudice to him.

6. The Court finds substance in the contention of learned counsel for the petitioner. Without there being any fault or laches on his part and the trial not concluded, especially in view of the fact that an indulgence has been granted by the trial Court to the prosecution and the same appears to have been misused, the Court finds that exercising its inherent power under Section 482 of the Code, some orders are required to be passed for securing the ends of justice.



7. Accordingly, the application stands disposed off with a direction to the Court below to ensure that the trial is concluded expeditiously and latest within three months from the date of production of a copy of this order before the Court concerned. The Court would only observe that three months time granted should be strictly followed failing which the Court may pass strict consequential orders.

(Ahsanuddin Amanullah, J)

P. Kumar

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