

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13623 of 2015**

Arising Out of PS. Case No.-263 Year-2013 Thana- PANCHRUKHI District- Siwan

Wasim Raja @ Nadim S/o- Azim resident of village- Kazi Tola, P.s.
Pachrukhi, G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sahlal Hussain S/o Navi Ahmad resident of village- Kazi Tola, P.s.
Pachrukhi, G.B. Nagar, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 08-05-2019 Heard Mr. Prabhakar Singh, learned advocate

for the petitioner and the State.

The petitioner has challenged the order dated
26.02.2015 passed by the learned Additional Sessions
Judge, IVth, Siwan in Cr. Revision No. 124 of 2014
whereby the prayer made on behalf of the petitioner for
setting aside the order of cognizance passed by the
learned Chief Judicial Magistrate, Siwan under various
Sections of the Indian Penal Code including Sections
308, 506 and 379 of the Indian Penal Code in
connection with Pachrukhi (G.B. Nagar) P.S. Case No.



263 of 2013 has been rejected as also the order of cognizance, referred to above, dated 10.06.2014.

From the perusal of the orders impugned, it appears that the learned Chief Judicial Magistrate, Siwan after going through the entire police papers has taken cognizance and has specifically rejected the findings of the Investigating Officer with regard to alibi of the petitioner. The revisional order further has taken note of the fact that there is a *prima facie* case against the petitioner under the aforesaid Sections have been made out.

No fault can be found with the order impugned in the present petition.

If the trial of the petitioner has not begun, the petitioner would have the option of preferring a discharge petition, if such petition has already not been filed and disposed of. In case the trial of the petitioner has begun, the trial court would be under an obligation to conclude the trial as early as possible without any



delay.

With the aforesaid direction/observation, the
petition is disposed of.

(Ashutosh Kumar, J)

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