

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6383 of 2015

Arising Out of PS. Case No.-957 Year-2008 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

1. Subash Sah
2. Kirani Sah
3. Sunil Sah @ Sunil Kumar Sah
4. Anil Sah, All S/o Dinanath Sah
5. Dinanath Sah, S/o Late Bula Sah, All Resident of Village Manjha Gosai, P.S. Phulwaria, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lal Jhari Devi, W/o Munga Sah, Resident of Village Manjha Gosai, P.S. Phulwaria, District Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 06-08-2019

Heard learned counsel for the parties.

2. This application, under Section 482 Cr.P.C., is for quashing the criminal proceeding of Complaint Case No. 957 of 2008 corresponding to Trial No. 1393 of 2015 wherein cognizance has been taken for offences under Sections 323 and 379 of the Indian Penal Code against the petitioners.

3. Prayer is on the ground that for occurrence dated 08.05.2008, the present complaint petition was filed on 12.05.2018 by complainant Lal Jhari Devi-opposite party no. 2 herein. For the same occurrence, husband of the complainant, namely, Munga Chand



Sah @ Gour had filed Phulwariya P.S. Case No. 52 of 2008, dated 14.05.2008.

4. Though in the FIR, the date of occurrence is shown as 09.05.2018 and in the complaint petition, the date of occurrence is 08.05.2018, however, the perusal of the complaint petition and the FIR would reveal that both the cases relates to an occurrence of assault allegedly committed by the petitioners at 07:00 a.m. against Lal Jhari Devi.

5. Learned counsel for the State submits that charges have already been framed and trial is going on in the complaint case against the petitioners.

6. Considering the facts and circumstances of this case, it is directed that both the cases i.e. police case and the complaint case shall run in the same Court side by side and the trial Judge shall dispose of both the cases by a common judgment.

7. The learned District Judge, Gopalganj shall ensure that both the cases be transferred to one Court.

8. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.08.2019
Transmission Date	07.08.2019

