

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34647 of 2015

Arising Out of P.S. Case No.-18 Year-2013 Thana- SARAN GRP CASE District- Saran

Hoti Rai @ Soti Roy Son of Late Bechan Rai, Resident of Village - Kazipur,
P.O. - Rasalpura, P.S. - Doriganj and District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav, Advocate
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-03-2019

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 for the following
relief:

“That through the present application petitioner is seeking the quashing of order dated 4.11.2013/18.11.2013 passed in Tr. No. 2050/2015 arisen out of Sonapur Rail P.S. Case no. 18/2013 by the learned Railway Judicial Magistrate at Sonapur, District-Saran whereby and whereunder a cognizance has been taken against the petitioner under section 420, 467, 468 and 471 of the I.P.C. that has aggrieved the petitioner; so he has preferred the present application to this Hon’ble Court, vide the instant order as annexure to the application.”



3. The allegation against the petitioner is that he is Soti Roy, younger brother of Hoti Rai and still has obtained employment and continued to work under the Railways representing himself to be the elder brother Hoti Rai.

4. Learned counsel for the petitioner submitted that the petitioner is the elder brother Hoti Rai and the younger brother Soti Roy died on 19.02.1988 and thereafter, the petitioner, Hoti Rai was appointed under the Railways on 27.06.1988. It was submitted that the petitioner continued to work without any complaint but suddenly in the year 1994, on a complaint that he was Soti Roy, a full-fledged departmental enquiry was held by the Railways in which he was ultimately exonerated by order dated 06.02.1996. It was submitted that thereafter again complaint was made on 23.02.2013, for the same charges and on the one hand departmental proceedings were initiated and on the other hand a criminal case was also instituted being Sonapur Rail P.S. Case No. 18 of 2013. It was submitted that in the departmental proceeding, the petitioner was dismissed and he challenged the same before the Central Administrative Tribunal, Patna Bench in O.A. No. 565 of 2014, which was allowed and after setting aside the order of dismissal, the matter has been remanded to the authorities for re-consideration, which is still pending. It was submitted that in the



criminal case, only one witness had turned up and when the Court required him to come with papers, he has not re-appeared before the Court and no further progress has been made. It was submitted that the petitioner is going to superannuate as per his age of superannuation on 31st March, 2019 i.e., within a few weeks and the criminal case would come in the way of consideration for reinstatement by the authorities.

5. Learned A.P.P. submitted that in view of there being material to justify the trial, the petitioner should co-operate in the trial and get the same concluded expeditiously.

6. Learned counsel for the petitioner submitted that despite his full co-operation, it is the authorities who are not co-operating as witnesses are not being examined on behalf of the prosecution. It was submitted that the Court may dispose off the matter with a direction to the Court below to expedite and conclude the trial at the earliest.

7. The Court finds the prayer to be reasonable.

8. Accordingly, the application stands disposed off with a direction to the Court below to expedite the trial and conclude the same latest within a period of three months from the date of production of a copy of this order before it. This Court would only observe that the time fixed for conclusion of the trial should be



strictly adhered to by the Court below, failing which this Court
may take serious note of any violation of the same.

(Ahsanuddin Amanullah, J.)

P. Kumar

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