

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15721 of 2015

Arising Out of PS. Case No.-95 Year-2013 Thana- Mahila P.S. District- Bhojpur

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1. Sunil Sao, Son of Lal Bahadur Sao
 2. Lal Bahadur Sao Son of Daroga Sao Resident of Village - Deochanda, P.S. - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Mamta Devi Wife of Sunil Sao Resident of Village - Deochanda, P.S. - Piro, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Lallan Singh
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-05-2019 Nobody appears on behalf of the petitioners on call.

The petitioners have challenged the order dated 30.05.2014 passed by the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Complaint Case No. 1473 C of 2013, arising out of Mahila P. S. Case No. 95 of 2013, whereby learned Magistrate has taken cognizance against the petitioners for the offences under Sections 366A and 376 of the Indian Penal Code.

By order dated 31.07.2018, notice was issued to Opposite Party No. 2 to show-cause as to why the petition



be not heard and disposed off at the stage of admission itself. At the same time, a report was called for from the court below regarding the stage of trial and the time which is likely to be taken for concluding the trial.

The report, which was submitted and kept at Flag-R indicates that charges in this case have already been framed on 11.02.2015 and one witness, namely, Mamta Devi / informant as well as the victim of the case has been examined. Thereafter, no other witness was examined till the report was sent by the District and Sessions Judge, Bhojpur at Ara on 07.09.2018. However, it was also observed that the trial is likely to be concluded within a period of six months provided the parties cooperate.

In the absence of the learned counsel for the petitioners, this Court has no idea as to the stage of the case now. This Court presumes that with the passage of time, this case would have been concluded by now.

In any view of the matter, on perusal of the order impugned and the materials brought on record in this petition, this Court feels disinclined to interfere with the



order impugned.

However, if the trial has not concluded, it would be apposite to remind the trial court of its obligation of concluding the same as early as possible and without any delay.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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