

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76462 of 2018

Arising Out of PS. Case No.-34 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

Suresh Kumar Pandey @ Suresh Pandey son of late Umashankar Pandey, R/o Chakhni P.S.Bagha, Dist. West Champaran, Presently resident at Brij Bihari Gali, Padav Pokhar Aamgola PS KMP, Dist. Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kanchan Kumari D/o of Budheshwar Mahto Resident of Burda,P.S. Baghmundi,Distt.-Puruliya (West Bengal Presently residing at In the House of Birendra Chaudhary,Parav Pokar,Amgola,P.S. Kaji Mohammadpur,Distt.-Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Gupta
For the Opposite Party/s : Mr.Sri Arun Kumar Singh -5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-12-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The instant petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short ‘the Code’), has been filed for quashing the order dated 29.09.2018, passed by learned Special Judge, POCSO Act, Muzaffarpur, in connection with Mahila P.S. Case No. 34 of 2018, by which he has rejected the petition filed by the petitioner for his discharge.

It is submitted by petitioner’s counsel that there is no evidence of any sexual offence having been committed upon the victim. The allegations under the POCSO Act are not made out,



in view of the deposition of the victim herself. It is further submitted that the alleged burn injuries have been caused by hot milk and the allegations that acid has been poured in the private parts of the victim is false. The points, being argued by the counsel for the petitioner, are issues of fact which are yet to be examined in the Trial. The age of victim is also disputed. These issues are all issues of fact which can be examined at the Trial.

This Court, while exercising jurisdiction under Section 482 of the Code, would not examine these factual issues.

The application is, therefore, dismissed.

Learned counsel for the petitioner submits that Trial Court should be directed to expedite the Trial. The petitioner should extend full cooperation and this Court would only observe that the matter may be proceeded expeditiously without any undue delay.

(Madhuresh Prasad, J)

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