

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.582 of 2017

Arising Out of PS. Case No.-1002 Year-2013 Thana- SASARAM NAGAR District- Rohtas

Hans Raj Kumar @ Hans Raj Singh S/o Late Jagdish Singh, resident of
Village P.O.- Chandanpura, P.S.- Tilauthu, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through Director General Of Police, Old Secretariat, Patna.
2. The Superintendent of Police, Rohtas.
3. The S.H.O., Sasaram Police Station, Tilouthu, at Sasaram.
4. The Investigation Officer, of Sasaram P.S. Case No. 1002/13 dt. 14-09-2013.
...Respondent 1st Set
5. Meena Kumari wife of Mulk Raj Singh, village- West Tilouthu, via Tilouthu, District- Rohtas.

... .. Respondents

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Respondent-State: Mr.Sheo Shankar Pd., SC8

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 06-08-2019

The petitioner is a named accused in Sasaram (Tilouthu) P. S. Case No. 1002/13 registered under Sections 504, 376 and 511 of the Indian Penal Code.

2. In the instant application preferred under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for quashing the entire criminal prosecution against him.

3. The grounds taken by the petitioner that he is a practicing advocate of Civil Court, Patna and has been framed in the case on account of preexisting land dispute with his co-villagers.



4. In my considered opinion, the writ petition is totally misconceived. The allegations made in the FIR would clearly attract the ingredients of a cognizable offence.

5. The informant of the case has categorically stated in her written statement that the petitioner caught hold of her and after thrashing her on ground tried to ravish her.

6. On the basis of the aforesaid allegations, a case of attempt to commit rape was instituted against the petitioner.

7. The investigation of the police case has been completed. Vide charge sheet dated 10.02.2014, the petitioner has been sent up for trial. On receipt of the charge sheet, the learned Chief Judicial Magistrate has taken cognizance of the offences punishable under Sections 354 A and 504 of the Indian Penal Code. After complying with the mandatory requirements of Section 207 of the Code of Criminal Procedure, vide order dated 29.03.2016, the petitioner was directed to remain physically present for explaining him the charges.

8. As the charges have been framed and the trial is going on, the defence of the petitioner can not be made a ground for quashing the entire criminal prosecution during trial. The same can be looked into by the trial court while deciding the case finally on merit.



9. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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