

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46865 of 2014

Arising Out of Complaint Case No.-479 Year-2010 Thana- JEHANABAD COMPLAINT
CASE District- Jehanabad

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1. Ram Dular Paswan, Son of Sajeevan Paswan.
 2. Sajeevan Paswan Son of Chandra Paswan.
 3. Rabindra Paswan Son of Sajeevan Paswan.
All resident of Village - Peuta, P.S. Ghoshi (Okari), District – Jehanabad.
- Petitioner/s
- Versus
1. The State of Bihar
 2. Sangeeta Devi Wife of Tulu Paswan, resident of Village - Peuta, P.S. Ghoshi
Okari, District – Jehanabad.
- Opposite Party/s
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Appearance :

For the Petitioner/s	:	Mr. Jharkhandi Upadhyay, Advocate
For the State	:	Mr. Umesha Nand Pandit, APP
For the Complainant	:	Mr. Sunil Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

13 23-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have moved the Court under
Section 482 of the Code of Criminal Procedure, 1973 for the
following relief:

*“That this is an application for
quashing the order dated 16.09.2014 passed by
the Sessions Judge, Jehanabad by which the
learned Sessions Judge has ordered to frame
the charge under section 376 I.P.C. against the
accused persons in Cr. Rev. No. 37/2013 arising
out of Complaint Case No. 479/2010 Tr. No.
137/2013 without application of judicial mind.”*

3. At the very outset, learned counsel pointed out that
from the Lower Court Records, which have been received, it



transpires that pursuant to the order impugned dated 07.03.2017, by which the matter was remanded to the Court concerned for passing fresh orders relating to cognizance, charges have also been framed, and thus, the present case has become infructuous.

4. Learned counsel for the petitioners submitted that the case be disposed off with liberty to the petitioners to file an appropriate application before the Court below itself at the appropriate stage.

5. In view of the aforesaid, as prayed for by learned counsel for the petitioners, the application stands disposed off with liberty aforesaid.

6. If an application is filed by the petitioners before the Court below, at the appropriate stage, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

7. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

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