

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83930 of 2019

Arising Out of PS. Case No.-141 Year-2012 Thana- SURYAPUR District- Rohtas

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LALAN PANDEY @ LALLAN PANDEY Son of Late Surya Nath Pandey
Resident of Village - Kharoj, Police Station - Suryapura, District - Rohtas.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shilpi Kumari Daughter of Rajesh Pandey Resident of Village - Kharoj,
Police Station - Suryapura, District - Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Mr. U.L. Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-12-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner seeks quashing of order dated 24.10.2019 passed by learned Fast Track Court 1st, Rohtas at Sasaram in Session Trial No. 307 of 2013 arising out of Suryapura P.S. Case No. 141 of 2012 whereby and whereunder the learned Fast Track Court 1st, Rohtas at Sasaram has been pleased to reject the petition dated 23.10.2019 filed on behalf of the petitioner as not maintainable.

Learned counsel for the petitioner submits that as per the provisions of Section 28 of the POCSO Act, 2012, the cases of such nature have to be tried by either the Sessions Court or



the designated Court under the POCSO Act. He thus submits that the entire proceeding is without jurisdiction and any evidences which have been led, would also be without jurisdiction. He thus submits that the matter be remitted back to the Court of learned Fast Track Court 1st, Rohtas at Sasaram, with a direction that the records of the present case be placed before the appropriate Court for further adjudication of the matter.

I have perused the order dated 24.10.2019 and it appears that the matter was pending there since a long time and the evidences have all been made before the same Fast Track Court and it is at the penultimate stage of hearing and argument. It is, therefore, desirable that such a case should reach its logical conclusion within a span of six weeks from the date of receipt/production of a copy of this order.

It is directed accordingly.

Let the learned Fast Track Court 1st, Rohtas at Sasaram, take immediate steps to proceed and dispose off the matter within a period of six weeks from today and a report to the said effect be sent to this Court.

The prayer for quashing the said order is rejected.

Let the learned Fast Track Court 1st, Rohtas at Sasaram, proceed as per the directions hereinabove.



Disposed off.

(Anjana Mishra, J)

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