

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44874 of 2019

Arising Out of PS. Case No.-27 Year-2015 Thana- ALAMGANJ District- Patna

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TUNNA PASWAN S/O- Ram Chandra Paswan Resident of Arfabad Colony,
Gurki Mandi, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satyanarayan Prasad S/O Late Sita Ram Singh Resident of Mohalla-
Arfabad Colony, Gur-ki- Mandi, P.S.- Alamganj, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr.Ashraf Ansari

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the Informant is also present.

This application is filed for quashing the order dated
26.04.2019 passed by the learned Additional Sessions Judge, 1st
Patna in Spl. Case No. 45 of 2015 arising out of Alamganj P.S.
Case No. 27 of 2015.

A counter affidavit has been filed in this case which
clearly indicates that the defence had been afforded enough
opportunity to examine its own witnesses.

In fact, as per the counter affidavit, one defence
witness namely, Attabaro Devi (Annexure-A) had been



examined and her deposition has already been brought on record. The petitioner herein has been adopting the dilatory tactics so as to defuse and defeat the cause of justice. Earlier an application bearing Criminal Miscellaneous No. 24590 of 2018 had been preferred and vide order dated 25.08.2018, this Court had directed the Court below to dispose of the case expeditiously. The text of the order at paragraph -10 and its operative operation is extracted hereinunder :-

“On a perusal of the provisions prescribed under Section 35 of the Act, I find that clause (1) provides period for recording of evidence of child within a period of 30 days of the Special Court taking cognizance of the offences whereas, clause (2) provides that Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.

In the result, the present application fails and is dismissed. The trial Court is further directed to expedite the process of hearing and conclude the same positively within a period of six weeks from today.

(Anjana Mishra, J)

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