

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.6 of 2020

Arising Out of PS. Case No.-635 Year-2014 Thana- BEGUSARAI TOWN District- Begusarai

1. Sharat Kumar, Son of Surendra Singh @ Munna, Resident of Mohalla- Mungeriganj, Ward No. 32, P.S.- Town Near Shanskar Vatika, Vibbah Bhawan Road, Begusarai, District- Begusarai.
2. Surendra Singh @ Munna, Son of Late Jitendra Prasad Singh, Resident of Mohalla- Mungeriganj, Ward No. 32, P.S.- Town Near Shanskar Vatika, Vibbah Bhawan Road, Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Home Secretary, Govt. Of Bihar, Patna
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar, Advocate
For the Respondent/s : Mr.Manish Kumar, G.P.-4

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The present writ application has been brought before this Court under Article 226 of the Constitution of India with a limited prayer for a direction to the learned Additional Sessions Judge-V, Begusarai to direct the prosecutor to open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused as provided under Section 226 of the Code of Criminal Procedure and then to proceed accordingly, in accordance with law.



Learned counsel for the petitioners submits that the petition filed before the court below has been dismissed stating that they are only trying to linger the matter, when, on the contrary, the petitioners' intention is clear that they want to proceed expeditiously with the trial and for that purpose, they filed an application under Section 226 of the Cr.P.C. for opening the case. The provision under Section 226 of the Code for opening of the case is extracted hereunder :

“226. Opening case for prosecution.

When the accused appears or is brought before the Court in pursuance of a commitment of the case under section 209, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.”

Learned counsel for the petitioners submits that the present petitioners seek a limited direction from this Court to expedite the trial by passing the relevant orders under Section 226 of the Cr.P.C. and thereafter, to proceed with the framing of the charge.

In view of the limited prayer of the petitioners, the order dated 30.11.2019 passed in S.T. No.247/2016, as contained in Annexure 6, is modified to the extent that the court



below is directed to open the prosecution case under Section 226 Cr.P.C. for framing of the charge, if not already framed, within a period of six weeks from the date of receipt/production of a copy of this order.

It is made clear that neither of the parties shall be granted any adjournment in so far as the present case is concerned.

The application stands disposed of.

(Anjana Mishra, J)

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