

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37860 of 2015

Arising Out of PS. Case No.-563 Year-1997 Thana- PATNA COMPLAINT CASE District-
Patna

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M/s Nacro Chemical Ltd. having its registered office at 23, Industrial Estate
Patna, P.S. Patliputra, District -Patna.

2. Hemant Jalan, son of Sri Kamala Prasad Jalan, R/o, Khajpura, P.S.
Danapur, District-Patna.

3. Kamala Prasad Jalan, son of Sri Tejpal Jalan, R/0 Mohalla-Khajpura, P.S.
Danapur, District-Patna.

... .. Petitioner/s

Versus

State Of Bihar

2. State Bank of India, Industrial Finance Branch, Patna, Red Cross Building,
4th floor, P.S. Gandhi Maidan, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.B.M.P.Sinha, App

For O.P. No. 2 Mr. Satya Vrat, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-02-2023 It has been informed that the petitioner no.3 is now no

more and in that view of the matter, the case against him has

become infructuous.

Heard learned counsel for the petitioners and the State

also the counsel for opposite party no.2.

The present petition has been preferred for quashing

of the order dated 3.2.1998 passed in Complaint Case No.

563(C) of 1997 by the learned Magistrate under sections 403,



406, 407, 409, 420, 468, 471 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submit that the case was lodged as the petitioners herein defaulted in payment. However, all the loan amount have been paid and no dues certificate have also been issued by the bank (Annexure-2).

The further submission is that although they are diligently appearing in the trial, for want of other accused persons, it is not moving. As such, they submit that for the proper justice it would be appropriate that they may be allowed to raise all the points before the said Court at an appropriate stage so that justice is meted out to them and for this, the learned Court should take endeavour to conclude the trial even if it warrants splitting of the case from the other accused persons.

In view of the fair submission put forward by the learned counsel for the petitioners, this Court dispose of the matter with liberty to the petitioners to take up all the points before the appropriate court at an appropriate stage with further direction to the trial court to take immediate steps for the conclusion of the trial even if need splitting of the case inasmuch as the matter dates back to 1997 and almost 25 years have already elapsed.



With the aforesaid observation, the petition stands
disposed of.

(Rajiv Roy, J)

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