

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43356 of 2015

Arising Out of PS. Case No.-137 Year-1997 Thana- GOPALGANJ TOWN District-
Gopalganj

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Sukhdeo Pasi Sonof Mahesh Pasi resident of Village Mohammadpur Ps.
Manjhi District SaranChapra Presently at krishna nagar, Gopalganj, townward
No. 200 Ps. town Gopalganj, District Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Advocate

Mr. Dharamveer, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-03-2023 Heard the parties.

The present petition has been preferred for quashing
the proceeding of Tr. No. 1841 of 2015 arising out of Gopalganj
P.S. Case No. 137 of 1997 which relates to offences under
Sections 457, 379 and 409 of the Indian Penal Code.

As per the case, the petitioner was a cashier in the
Gopalganj Civil Court where a theft of Rs. 4,13,344/- was
committed and FIR under Sections 379 and 461 of the Indian
Penal Code was registered. Subsequently, the night guard and
the petitioner herein were made accused, arrested, suspended.
The matter is of 1997.

Learned counsel for the petitioner submits that he



remain suspended for seven long years whereafter he moved before this Court and got a direction to conclude the trial within a period of three months failing which the suspension order shall stand revoked.

Accordingly, as the departmental proceedings could not be concluded within the aforesaid period, his suspension was revoked. Subsequently, he retired and the order by which the suspension was revoked, it was incorporated that the monetary benefits will follow the conclusion of the Trial Court order.

He submits that in a 1997 case, the trial is still dragged on and the night guard is not appearing nor the prosecution witnesses, he is made to suffer and in between he has also suffered paralytic stroke. He as such, submits that the petitioner will be satisfied with the trial and is taken to its logical conclusion.

There cannot be any fair submission then what has been put forward by the learned counsel for the petitioner. Whatever allegation is/are against the petitioner herein, the FIR was lodged in 1997, the trial cannot continue for infinite period. However, if the other accused, night guard is not appearing, the Trial Court was duty bound to split up the case and proceed with



the case of the petitioner.

Taking into account the aforesaid facts, the Trial Court is directed to ensure that the trial is taken to its logical conclusion within a period of one year and in the process should take all the steps to ensure that the witnesses appeared before it is/are examined/cross-examined and thereafter, an order is passed.

Failure to do so within the aforesaid period, a report shall be submitted to the Court on the reason for not concluding the trial.

The petition stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

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